

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK COUNTY CIVIL
Docket Report

1684CV02843

Spencer, II, Barry vs. Dookhan, Annie et al

CASE TYPE:	Administrative Civil Actions	FILE DATE:	09/13/2016
ACTION CODE:	E17	CASE TRACK:	A - Average
DESCRIPTION:	Civil Rights Act, G.L. c. 12 § 11H		
CASE DISPOSITION DATE	10/24/2016	CASE STATUS :	Closed
CASE DISPOSITION:	Transferred to another Court	STATUS DATE :	10/24/2016
CASE JUDGE:		CASE SESSION:	Civil C

LINKED CASE

PARTIES

Plaintiff

Spencer, II, Barry
MCI Shirley
PO Box 1218
A121687
Shirley, MA 01464

Defendant

Auerbach, John

Defendant

Bartlett, Cheryl

Defendant

Bigby, JudyAnn

Defendant

Chu, Peter

Defendant

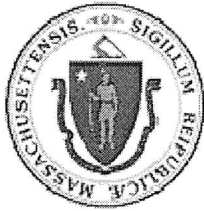
Conley, Daniel

Pro Se,
Massachusetts Bar

Added Date: 09/13/2016

PROPER

FILED
IN CLERKS OFFICE
2016 OCT 26 AM 3 10
U.S. DISTRICT COURT
DISTRICT OF MASS.



COMMONWEALTH OF MASSACHUSETTS
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Docket Report

Defendant

Dookhan, Annie

Defendant

Dwan, William

Defendant

Evans, William

Defendant

Frasca, Daniella

Defendant

Han, Linda

Defendant

Keenan, Donald

Defendant

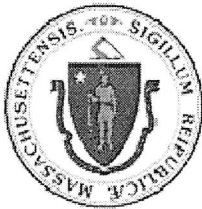
Lynch, Timothy

Defendant

Mahoney, Brian

Defendant

Nassif, Julie



COMMONWEALTH OF MASSACHUSETTS
SUFFOLK COUNTY CIVIL
Docket Report

Defendant

OBrien, Elizabeth

Defendant

Piro, Peter

Defendant

Polanowicz, John

Defendant

Ryle, John

Defendant

Salemi, Charles

Defendant

Suffolk County District Attorneys office

Defendant

Walsh, Martin

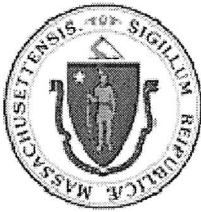
Associate Private Counsel**651212**

Anjomi, Nieve
City of Boston
City of Boston
City Hall
Room 615
Boston, MA 02201
Work Phone (617) 635-4098
Added Date: 10/24/2016



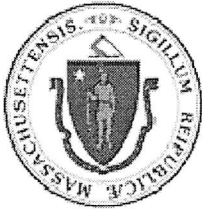
**COMMONWEALTH OF MASSACHUSETTS
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FINANCIAL DETAILS					
Date	Fees/Fines/Costs	Assessed	Paid	Dismissed	Balance
09/13/2016	Civil Filing Fee (per Plaintiff)	240.00	0.00	240.00	0.00
	Dismissed Type: Fee/Fine remitted due to finding of indigency. Dismissed Date: 09/13/2016 Dismissed Amount: 240.00 Dismissing Clerk / Judge: Lauriat, Hon. Peter M Dismissed By: LLIMONE				
09/13/2016	Civil Security Fee (G.L. c. 262, § 4A)	20.00	0.00	20.00	0.00
	Dismissed Type: Fee/Fine remitted due to finding of indigency. Dismissed Date: 09/13/2016 Dismissed Amount: 20.00 Dismissing Clerk / Judge: Lauriat, Hon. Peter M Dismissed By: LLIMONE				
09/13/2016	Civil Surcharge (G.L. c. 262, § 4C)	15.00	0.00	15.00	0.00
	Dismissed Type: Fee/Fine remitted due to finding of indigency. Dismissed Date: 09/13/2016 Dismissed Amount: 15.00 Dismissing Clerk / Judge: Lauriat, Hon. Peter M Dismissed By: LLIMONE				
Total		275.00	0.00	275.00	0.00
Deposit Account(s) Summary		Received	Applied	Checks Paid	Balance
Total					



**COMMONWEALTH OF MASSACHUSETTS
SUFFOLK COUNTY CIVIL
Docket Report**

INFORMATIONAL DOCKET ENTRIES			
Date	Ref	Description	Judge
09/13/2016		Attorney appearance On this date Pro Se added for Plaintiff Barry Spencer	
09/13/2016		Case assigned to: DCM Track A - Average was added on 09/13/2016	
09/13/2016	2	Original civil complaint filed.	
09/13/2016	3	Civil action cover sheet filed.	
09/13/2016	1	Affidavit of Indigency and request for waiver substitution of state payment of fees and costs filed without Supplemental affidavit ALLOWED Subject to Review by Judge	
09/13/2016	4	Plaintiff(s) Barry Spencer, II's Motion for Service Process by Suffolk County Sheriff's Department Civil Process Division	
09/14/2016	5	ORDER: To Commissioner of Correction to provide certain information regarding inmate account relative to plaintiff's Motion to waive filing fee and proceed in Forma Pauperis. Notice Sent 09/14/2016	Lauriat
09/14/2016	6	ORDER: After a review of your petition and correspondence, the Court has instructed the Clerk's Office to take the following action: Service is to be made upon defendant(s) by means of certified mail at the plaintiff's expense, and you must return to the court the original summons with the return receipt card for each defendant. Notice Sent 09/14/2016	Lauriat
09/14/2016		General correspondence regarding Twenty One summonses mailed to plaintiff this day	
09/14/2016		General correspondence regarding On 09/14/2016, Order P#5 sent to Marlene Cronin, DOC, to fax order to MCI SHIRLEY requesting a canteen account for (6) months.	
09/27/2016		Endorsement on Motion to Plaintiff may serve the defendants by regular 1st class US mail. Plaintiff shall provide an affidavit as proof of service, Pursuant to M.R.C.P. Rule 4. Notice Sent 09/27/2016 (#4.0): ALLOWED	Lauriat
09/27/2016	7	ORDER: Notice of Waiver of Court costs and request for payment to be withdrawn from account (Pursuant to G.L. c. 261 sec. 29) The prisoner/plaintiff in the above-captioned action has filed a motion to waive the filing fee of \$275.00 and court costs (normal) and to proceed in forma pauperis. After reviewing the affidavit of indigency and the statement of inmate account provided by the correctional facility, the court hereby orders: The plaintiff is incapable of paying the filing fee and may proceed in forma pauperis. Notice Sent 09/27/2016	Lauriat
10/06/2016	8	Plaintiff Barry Spencer, II's Motion to appoint designee for defts (w/o opposition)	
10/07/2016		Endorsement on Motion to (#8.0): Other action taken Pliff shall serve Secretary John Polanowicz with a copy of this motion and order and Mr Polanowicz shall serve and file his response by or before 30 days from his receipt of this motion Notice Sent 10/11/16	Lauriat



COMMONWEALTH OF MASSACHUSETTS
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10/17/2016	9	Notice of Removal to the United States District Court filed by defendant (U.S.Dist.#16cv12076-ADB) (Certified) Applies To: Walsh, Martin (Defendant)
10/24/2016		Attorney appearance On this date Nieve Anjomi, Esq. added as Associate Private Counsel for Defendant Martin Walsh
10/24/2016		REMOVED to the U.S. District Court of Massachusetts
10/24/2016		Case transferred to another court.

I HEREBY ATTEST AND CERTIFY ON

Oct. 24, 2016, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.


MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY: 

Asst. Clerk

2

COMMONWEALTH OF MASSACHUSETTS
Suffolk Superior Civil Court
Of The Trial Division

No. 16-2843 

Barry Spencer,
Plaintiff,

-vs-

Annie Dookhan, Daniella Frasca, Martin Walsh,
John Polanowicz/JudyAnn Bigby, John Auerbach
Linda Han, Charles Salemi, Elizabeth O'Brien,
Peter Piro, Donald Keenan, William Dwan, Peter
Chu, Brian Mahoney, Timothy Lynch, John Ryle
Daniel Conley and Suffolk County District
Attorney's Office, also William Evans
Defendants,

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2016 SEP 13 AM 10:42
MICHAEL JOSEPH DONOVAN
CLERK/MAGISTRATE

INTRODUCTION

This is an action for money damages for the violation of the Plaintiff's constitutional rights brought pursuant to 42 U.S.C. § 1983 and M.G.L.c. 12, § 111. Plaintiff Barry Spencer ["Spencer"] alleges that all Defendants acting under the color of law conspired to deprive him of his constitutionally protected rights.

Specifically, once Spencer was arrested by members of the Boston Police Department Drug Control Unit ["DCU"] for selling a false substance that was field tested, they forwarded the substance to the Department of Public Health's Hinton Laboratory ["Hinton Laboratory"] in Jamaica Plain, where, former state chemist Annie Dookhan ["Dookhan"] falsified the results of the chemical tests. At that time, Dookhan was engaged in large-scale criminal and fraudulent conduct, including falsifying results, dry labbing, perjury, and forgery. Meanwhile, Sergeant Detective Dwan, Detective Lynch, Officers Keenan, Chu and Ryle of the DCU destroyed exculpatory evidence, obstructed justice, engaged in

intimidation tactics, and committed perjury in affidavits for a search warrant and before a magistrate, then before the Grand Jury in order to ensure Spencer's prosecution in Suffolk Superior Court. Spencer was consequently indicted and threatened by the Boston Police Department and the Suffolk County District Attorney's Office with three ten-year mandatory minimum sentences in the state correctional institution.

Spencer was convicted of distribution of cocaine and sentenced to a term of three concurrent terms of five year, and three concurrent terms of two and a half years on and after the five. His convictions was based upon in part on the drug-analysis evidence produced by Dookhan at the Hinton Laboratory. His conviction was overturn under Melendez-diaz, and after a second trial he was acquitted on October 14, 2014, when it discovered Dookhan fraudulently provided 25 extra samples and the Commonwealth did not use her certificate at trial.

Contributing to the numerous violations of Spencer's Constitutional rights, Brady rights were civil rights, of then Secretary JudyAnn Bigby [presently John Polanowicz] failed to properly supervise, train, investigate, and monitor the Department of Public Health and Hinton Laboratory which employed Dookhan. Likewise, the Department of Public Health and its Commissioner John Auerbach failed to adequately supervise, train, and monitor its Hinton Laboratory, and then engage in a cover-up of their offenses. Moreover, the Hinton Laboratory Supervisors from Director Linda Han, down Charles Salemi, Elizabeth O'Brien to Peter Piro failed to adequately supervise, train, and monitor

its Hinton Laboratory employees then engaged in a cover-up of their failures.

The Suffolk County District Attorney's Office failed to adequately supervise, train, and monitor their Assistant District Attorneys, who communicated directly with Dookhan and other chemist during the pendency of their criminal matters, in these matters. They failed to provide Brady material concerning the Hinton Laboratory Powder Sheets, Sequence Sheets, Control Cards, QC Mix Sheets among other that was exculpatory evidence that would have demonstrated prior inconsistent test results.

These failures resulted in deprivation of Mr. Spencer's state and federal constitutionally protected rights, including his procedural and substantive due process rights, and the Fourth, Fifth and Fourteenth Amendment to the Constitution of the United States.

JURISDICTION

Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343, 42 U.S.C § 1983, and on the pendent jursdiction of this court.

PARTIES

1. Plaintiff Barry Spencer ["Spencer"] is a resident of Dorchester.
2. Defendant Annie Dookhan was at all times relevant to this complaint a chemist employed by the Commonwealth of Massachusetts Department of Public Health, and at all times relevant to the complaint acted under the color of state law. She is being sued in her individual capacity.
3. Defendant Daniella Fresca ["Fresca"] was at all times to

this complaint a chemist employed by the Commonwealth of Massachusetts Department of Public Health, and at all times relevant to the complaint acted under the color of law. She is being sued in her individual capacity.

4. Defendant Donald F. Keenan was at all times relevant to this complaint a police officer employed by the City of Boston, is currently employed as a Sergeant Detective ["Sgt. Det."], and at all times relevant to the complaint acted under color of law. He is being sued in his individual capacity as a police officer for the City of Boston.

5. Defendant William Dwan was at all times relevant to this complaint a Sergeant Detective ["Sgt. Det."], employed by the City of Boston, is currently employed as the same, and at all times relevant to the complaint acted under color of law. He is being sued in his individual capacity as a police officer for the City of Boston.

6. Defendant Timothy Lynch was at all times relevant to this complaint a Detective ["Det."] employed by the City of Boston, and at all times relevant to the complaint acted under color of law. He is being sued in his individual capacity as a police officer for the City of Boston.

7. Defendant Peter Chu was at all times relevant to this complaint a police officer employed by the city of Boston, and at all times relevant to the complaint acted under color of law. He is being sued in his individual capacity as a police officer for the City of Boston.

8. Defendant Brian Mahoney was at all times relevant to this

complaint a police officer employed by the City of Boston, and at all times relevant to the complaint acted under the color of law. He is being sued in his individual capacity as a police officer for the City of Boston.

9. Defendant John Ryle was at all times relevant to this complaint a police officer employed by the City of Boston, and at all times relevant to the complaint acted under color of law. He is being sued in his individual capacity as a police officer for the City of Boston.

10. Defendant John Polanowicz/JudyAnn Bigby ["Secretary"] was at all times material to the allegations in the complaint the duly appointed Secretary of Executive Office of Health and Human Services ["EOHHS"] of the Commonwealth of Massachusetts. As such, the Secretary was responsible for oversight of the Department of Public Health and acted under the color of state law. Secretary is being sued in his/her individual capacity.

11. Defendant Cheryl Barlett/John Auerbach was at all times relevant to this complaint the Commissioner of the Department of the Public Health ["Commissioner"] was at all times material to the allegations in the complaint acted under the color of state law. Commissioner is being sued in her/his individual capacity.

12. Defendant Linda Han ["Han"] was at all times relevant to this complaint employed by the Department of Public Health as the Director of Hinton Lab and acted under the color of state law. She is being sued in her individual capacity.

13. Defendant Julie Nassif ["Nassif"] was at all times relevant

to this complaint employed by the Commonwealth of Massachusetts Department of Public Health and was in charge of the Division of Analytical Chemistry, including that at Hinton Lab, and acted under color of state law. She is being sued in her individual capacity.

14. Defendant Charles Salemi ["Salemi"] was at all times relevant to this complaint employed by the Department of Public Health as a supervisor of operations at Hinton Lab and acted under color of state law. He is being sued in his individual capacity.

15. Elizabeth O'Brien ["O'Brien"] was at all times relevant to this complaint employed by the Department of Public Health as a supervisory evidence officer at the Hinton Lab and acted under color of state law. She is being sued in her individual capacity.

16. Defendant Peter Piro ["Piro"] was at times relevant to this complaint employed by the Department of Public Health as a supervisor GC/MS operations at the Hinton Lab and acted under color of state law. He is being sued in his individual capacity.

17. Daniel Conley is the Suffolk County District Attorney ["Suffolk DA"] for the Suffolk County District Attorney Office. His Office is responsible for the prosecution of state cases in Suffolk County. He has a primary office in Boston, Massachusetts. He is being sued in his individual and official capacity, as both Daniel Conley and Suffolk County District Attorney's Office.

17. Defendant Mayor of City of Boston, Martin J. Walsh, is the City of Boston's chief policy maker. The mayor is being sued in his individual and official capacities. At all times relevant to this action, the mayor was acting under the color of state law as the mayor of the city of Boston.

18. Defendant, City of Boston Police Commissioner, William Evans, is the City of Boston's Police Commissioner employed by and the agent of the City of Boston. The police commissioner is sued in his individual and official capacity. At all times, relevant to this action, the police commissioner was acting under the color of state law as the City of Boston Police Commissioner.

STATEMENT OF FACTS

19. The Federal Governments "war on drugs" has shifted the City of Boston's Mayor and Police Commissioner to to wage war primarily in inner cities against low-level Africian-American street dealers and users.

20. The City of Boston Mayor and Commisssoner of Police has had a long history of denying the constitutional, civil and other rights of citizens that the City of Boston policy makers, was on notice of at the time prior to, and at the time Defendant Police Commissioner was hired, but in deliberate indifference to the constitution, civil, and other rights of the citizens of the city of Boston, the City has ignored the Police Commissioner's history of violating and acquiescing in the violation of citizen's constitutional rights.

21. The City of Boston Police Commissioner has had a long history of gestapo tactics in the African -American communities common tactics included massive street sweeps, racial selective buy/bust operations, home raids, racial profiling, search on sight of blacks and prosecution under draconian federal laws, denying the constitutional, civil, and other rights of citizens that the City of Boston policy makers, such as Defendant Mayor, was on notice of at the time prior, and at the time of Defendant Police Commissioner was hired, but in deliberate indifference to the constitutional, civil and other rights of the citizens of the City of Boston, the City and Defendant Mayor ignored the Police Commissioner's history of violating and acquiescing in violation of citizens' constitutional rights.

22. The City of Boston Police Commissioner has had a long history of failing to properly, hire, train, and discipline police officers under his command that Defendant, City of Boston policy makers, such as Defendant Mayor, was on notice of at the time Defendant Police Commissioner was hired, but in deliberate indifference to the constitutional, civil, and other rights of the citizens of the City of Boston, the City ignored the Police Commissioner's past failures as police commissioner.

23. Since the deliberate indifference hiring of the Police Commissioner, the Defendant Mayor actually rewarded him by giving him a raise at a time when the mayor was laying off City of Boston employees due to budget cuts.

24. On May 24, 2006, an alleged call came in to Drug Control Unit("DCU"), Tip Line the caller him/her stated " A Black Male and Female moved into an apartment and are selling drugs and will not leave".

25. Defendants Keenan, Dwan, Lynch, Chu, Ryle and Mahoney, decided to unlawfully, willfully, deliberately, recklessly conspire to arrest the black male and female even at the cause of vitiation of the constitution, supervision, such as Defendant Dwan was on notice, policy makers such as Defendants Mayor and Police Commissioner, was on notice, but all had a long history of failing to properly hire, train, and discipline those under their command, and were deliberate indifferent to the constitutional, civil and other rights of the citizens of the City of Boston, the City ignored the Police Commissioner's history of violating and acquiescing of citizens' constitutional rights.

26. Defendants Dwan, Keenan, Lynch Chu, Ryle and Mahoney worked out a plan to arrest the Africian-Americans, prior to returning the call, then made the call and followed through with the prearrangement with Kathy Parker the person who answered the phone, there were no police notes, logs or copies of the alleged Tip Line call even though it was in vitiation of the constitution, supervision, such as Defendant Dwan was on notice, same as policy makers such as Defendants Mayor, Police Commissioner and District Attorney has known for years that Defendants Dwan, Keenan, Lynch, Ryle, Chu and Mahoney has unlawfully, intentionally, willfully, maliciously,

and recklessly have failed to keep records of exculpatory, brady and basic evidence in a criminal case when it comes to African American citizens.

27. Defendants Dwan, Mahoney, Lynch, Chu, Ryle, and Keenan used Parker's open drug case in BMC as inducement, to use her as an informant to unlawfully agree to act in concert with and conspire with DCU officers Dwan, Mahoney, Lynch, Chu, Ryle and Keenan to have her introduce Keenan as a friend who wants to buy drugs, and if the plaintiff can get him some, among friends, since the plaintiff is Black and knows people, racial profiling are part of the widespread patterns and practices of these defendants even to the point of violation of the constitution, supervision, Defendant Dwan and Police Commissioner are aware acts under the color of state law pursuant to custom, policy, and practice, in unlawful concert and agreement with the DCU Defendant Officers Dwan, Mahoney, Chu, Ryle, Lynch and Keenan actions to frame the plaintiff, same as the District Attorney and are deliberate indifferent to the constitutional, civil, and other rights of this citizen.

28. For days, Defendants Dwan, Keenan, Mahoney, Lynch, Chu, and Ryle would unlawfully agree to act in concert with and conspire among themselves, and with Parker to engage the plaintiff or his female friend, with getting something for Keenan by badgering, threats, intimidation, and coercion by way of Parker under the policy, custom and practice of Defendants Dwan, Ryle, Chu, Mahoney, Lynch and Keenan in order to obtain a controlled substance.

29. Under the threat, coercion, and intimidation of the policy and custom of City of Boston, policy maker, Defendant Mayor, Defendant Police Commissioner and supervisor, Defendant Dwan, and officers he unlawfully agreed to act in concert with and conspire with such as Mahoney, Chu, Ryle, Lynch and Keenan along with Parker, conspired on the morning of May 26, 2006 and Keenan came to Parker's house for an alleged sale, and he left, right after the plaintiff was arrested.

30. For years, Defendants Mayor, Police Commissioner and City of Boston pursuant to custom, policy and practice of not properly investigating cases and obtaining evidence, did not do any field test on the substance obtained, if so, defendants destroyed the Narc Swipe and threw away the sample they tested, by way of the defendants Dwan, Lynch, Ryle, Chu, Mahoney and Keenan, City of Boston Police Commissioner has had a long history of failing to properly hire, train, and monitor police officers under his command denying constitutional, civil and other right to citizens that the City of Boston policy makers, Defendant Mayor and District Attorney was on notice of at the time prior of and at the time of the Police Commissioner's was hired , but in deliberate indifference to the constituttional, civil and other rights of citizens of the City of Boston, the City of Boston ignored the Police Commissioner's history of violating and acquiescing in violation of citizen's constitutional rights.

31. Defendant Sgt. Det. Dwan had the samples obtained by Keenan sent to the State Department of Public Health, William

Laboratory ["Hinton"] for chemical testing & analysis.

32. Defendant John Auerbach/Cheryl Barlett has had a long history of denying the constitutional, civil and other rights of citizens that the City of Boston policy makers, Defendant Mayor, and Commonwealth of Massachusetts Secretary John Polanowicz/JudyAnn Bigby, was on notice of at the time of the last Commissioner of the Department of Public Health was working and when the new officer was hired, but in deliberate indifference to the constitutional, civil, and other rights of the citizens of the City of Boston and the Commonwealth of Massachusetts, the Commonwealth and City ignored the Department of Public Health Commissioner's history of violating and acquiescing in violation of citizens' constitutional rights.

33. Defendant Department of Public Health Commissioner has had a long history of failing to properly, hire, train, monitor, and discipline supervisors and chemists under his command that Defendant, Secretary of Executive Office of Health and Human Services of the Commonwealth, and Defendant Mayor, policy makers, were on notice of at the time Defendant Department of Public Health Commissioner was hired, but in deliberate indifference to the constitutional, civil, and other rights of the citizens of the citizens of the Commonwealth and City of Boston, the City and Commonwealth ignored the Department of Public Health Commissioner's past failure as commissioner of department of public health.

36. The Commonwealth of Massachusetts Department of Public Health Director of Hinton Lab has had a long history of denying the constitutional, civil, and other rights of citizens that the Commonwealth of Massachusetts and city of Boston, policy makers, such as Defendant Mayor, Secretary of Executive Offices of Health and Human Services of the Commonwealth of Massachusetts, Commonwealth of Massachusetts Commissioner of the Department of the Public Health, Commonwealth of Massachusetts Department of Public Health Division of Analytical Chemistry and the District Attorney of Suffolk County, was on notice of prior to and at the time of her Hinton Lab Director was hired, but in deliberate indifference to the constitutional, civil, and other rights of the citizens of the City of Boston and the Commonwealth of Massachusetts, the City and commonwealth ignored the Hinton lab Director's history of violating and acquiescing in violation of citizens' constitutional rights.

37. The Commonwealth of Massachusetts Department of Public Health Director as Director of Hinton Lab has had a long history of failing to properly hire, train, monitor, and discipline supervisors and chemist under her command that Defendant, Commonwealth of Massachusetts and City of Boston policy makers, such as Defendant Mayor, Secretary of Executive Offices of Health and Human Services of the Commonwealth of Massachusetts, Commonwealth of Massachusetts Commissioner of Department of Public Health, Commonwealth of Massachusetts Department of Public Health Division of Analytical Chemistry, and District Attorney of Suffolk County.

34. The Commonwealth of Massachusetts Department of Health Division of Analytical Chemistry, Julie Nassif, has had a long history of denying constitutional, civil, and other rights of citizens that the Secretary of Executive Office of Health and Human Services of the Commonwealth, the Commissioner of the Department of Public Health, the Mayor and District Attorney were all on notice of prior to the time of her hire and at the time of her hire, but in deliberate indifference to the constitutional, civil, and other rights of the citizens of the City of Boston, the City ignored the Commonwealth of Massachusetts Department of Health Division of Analytical Chemistry's history of violating and acquiescing in violation of citizens constitutional rights.

35. The Commonwealth of Massachusetts Department of Health Division of Analytical Chemistry, Julie Nassif, has had a long history of failing to properly, hire, train, monitor, and discipline supervisors and chemist under her command that Defendants, Commonwealth of Massachusetts and City of Boston, policy makers, such as Defendant Mayor, Secretary of Executive Office of Health and Human Services of the Commonwealth, Commissioner of Department of Public Health, and District Attorney was on notice of at the time Defendant Commonwealth of Massachusetts Department of Health Division of Analytical Chemistry was hired, but in deliberate indifference to the constitutional, civil, and other rights of the citizens of the City of Boston, and Commonwealth.

38. Defendant Elizabeth O'Brien has had a long history of denying the constitutional, civil, and other rights of citizens that the Commonwealth of Massachusetts and City of Boston policy makers, such as Defendant Mayor, Secretary of Executive Offices of Human and Health Services of the Commonwealth of Massachusetts, Commissioner of Department of Public Health, Department of Public Health Division of Analytical Chemistry Director, and Director of the Hinton Lab and District Attorney of Suffolk County, was on notice of at the time Defendant Supervisor of the Hinton Lab was hired, but in deliberate indifference to the constitutional, civil, and other rights of the citizens of the Commonwealth of Massachusetts and City of Boston, the City and Commonwealth ignored the supervisor's history of violating and acquiescing in violation of citizen's constitutional rights.

39. Defendant Elizabeth O'Brien has had a long history of failing to properly hire, train, monitor, discipline chemist under her command that defendant, policy makers Director of Hinton Lab, Director of Division of Analytical Chemistry and the Commissioner of Department of Public Health, was on notice of at the time the Hinton Lab Supervisor was hired, but in deliberate indifference to the constitutional, civil, and other rights of the citizens of the City of Boston and the Commonwealth, the City of Boston and Commonwealth ignored the Lab Supervisors' past failures as a hinton lab supervisor.

40. The alleged controlled substances were received in the Hinton lab on June 5, 2006 and placed in the evidence safe

by chemist Dookhan who was helping in the evidence area, she also had unfettered access to the computers with O'Brien's code access as she stood by and witnessed Dookhan then and on prior occasions unlawfully, intentionally, willfully enter samples into the Fox system without being properly trained in that area.

41. Suffolk District Attorney assistant Barbara Young called the Hinton lab about the status on another sample in an earlier case, Commonwealth v Spencer, SUCR2004-10017, Dookhan took the call, and sent the sample and the sample for this case was pulled sample no. 773385, and assigned to her bench partner Daniella Fresca 25 samples, however, an additional 25 samples were pulled the same day on a separate paper. Fresca was alleged not aware of.

42. Defendant O'Brien had given Dookhan the green light to unfettered access to the safe and computers, to the point her employees in the evidence room did not question her actions it was the custom and policy for Dookhan to get her own samples, and assign others to chemist and initial O'Brien's name and used her computer access.

43. In months proceeding plaintiff's sample being placed in safe, Salemi, O'Brien and Piro were receiving complaints about Dookhan's sample examination numbers since 2004 where she done 21% of the lab samples single handedly, in 2005 she did 26.8%, where it was known she could not be following proper lab protocol, Defendants Salemi, O'Brien, Piro, and Han, Hinton lab Supervisors, has a long history pursuant to a cus-

tom, policy, and practice of not properly investigating work-place complaints against Defendant Dookhan, have allowed Defendant Dookhan to continue to tamper, switch, change samples, results to cover up and to erect a "Chemist Wall of Silence" to continue to convict African American men, like Plaintiff, in the City of Boston, in the Commonwealth of Massachusetts.

44. For years, Defendants O'Brien, Salemi and Piro, Commonwealth and City of Boston policy makers, such as Defendant Mayor, Secretary of Executive Offices of Human and Health Services of the Commonwealth of Massachusetts, Commonwealth of Massachusetts Commissioner of Public Health, Director of Department of Public Health Division of Analytical Chemistry, Director of Hinton Lab, Suffolk District Attorney, also Defendant Police Commissioner, and City of Boston and Commonwealth of Massachusetts have known that chemists such as defendants Daniella Fresca and Annie Dookhan and the others herein mentioned would act in concert with and conspire with each other to protect themselves from those outside their position within law enforcement.

45. In contrast, when reviewing the powder sheets Defendant Fresca done preliminary test, Defendant Dookhan's initial's are all over the powder sheet, when Fresca is suppose to be the only person in control of the powder sheet.

46. For years, Defendants Director of Hinton Lab, Supervisors Salemi, O'Brien, and Piro have unlawful custom, policy, and practices of not following preliminary test and GC/MS procedures as having preliminary chemist load the GC/MS, leave samples in area, pass along others samples...

47. Defendant Dookhan on July 11, 2006 recorded what she considered the test results of the samples she tested, and recorded under Defendant Fresca's name, it is not knowned if she was monitored when the test were done.

48. Defendant Dookhan's work bench was full of open vials, of different samples, a sea of cross contamination, where her prosecution faith based charitable work of unlawful, intentional, harmful, willful, malicious, reckless and deliberate tampering with evidence occurred under the color of law pursuant to a custom, policy and practice in unlawful concert and agreement with Defendants supervisors, O'Brien, Salemi, Piro, Han and Nassif to cover up Dookhan and Fresca actions in regards to their work discrepancies, when assigned together on a project.

49. In the months proceeding Plaintiff's testing, Fresca witnessed Dookhan not following protocol, including documenting preliminary test, weighing her scales, violating numerous lab procedures, and receiving calls directly from district attorneys and police officers yet she unlawfully agreed to act in concert with and have known that it was not pursuant custom, policy, or practice for Dookhan to do such acts but she agreed to cover up and to erect a "chemist or Blue Wall of Silence" with regards to Dookhan, denying constitutional civil, and other rights of citizens, that the Commonwealth of Massachusetts supervisors and Director of the Hinton Lab such as, Nassif, Han, Salami, O'Brien, and Piro was on notice of at the time of Fresca's hire, but in Deliberate indiffe-

rence to the constitutional, civil, and other rights of the citizens of the City of Boston and the Commonwealth, the Hinton Lab Directors and supervisors ignored Fresca history of violating and acquiescing in violation of citizens' constitutional rights, Fresca failed to report anything she saw while they worked in the same room, for years.

50. The Drug certificate signed by Dookhan and Fresca is predicated upon egregious government misconduct falsely certifying that the sample substances submitted by Defendants Dwan, Mahoney, Chu, Ryle, Lynch and Keenan were a controlled substance, and a copy was forwarded to the Suffolk District Attorney and to Boston Police Evidence Safe with the samples, and the officers.

51. Defendants Han, Salemi, O'Brien, Piro, Fresca and Dookhan acted under the color of state law pursuant to a custom, policy, and practice, in unlawful concert and agreement with Defendants Dwan, Keenan, Ryle, Lynch, Mahoney and Chu to cover up actions with regard Keenan receiving false and or counterfeit substances, prior to May 26, 2006 and on May 26, 2006, which the Defendant Officers alleged were "controlled substances" in their police reports, and these individual defendants collectively and individually have a long history of denying constitutional, civil, and other rights of citizens that the Commonwealth and City of Boston policy makers, such as Defendant Secretary of Executive Offices of Human and Health Services of the Commonwealth, Mayor of City of Boston, Police Commissioner, Director of Public Health, was on notice at the

at the time of their hire or reprimands, but in deliberate indifference to the constitutional, civil and other rights of the citizens of the City of Boston and Commonwealth, the Commonwealth and City ignored there employees' histories' of violating and acquiescing the violation of citizens' constitutional rights.

52. About August 2006 Assistant District Attorney Barbara Young, convened a grand jury hearing where Keenan appeared in court and repeatedly lied about the incident, Dwan acted in concert with and conspired with Keenan and also lied about the incident along with Ryle, Mahoney and Chu to cover up and erect and maintain a "Blue Wall of Silence" over the plaintiff involvement, ~~what~~ the samples obtained were and to the contents expressed in the Certificate predicated upon egregious government misconduct.

53. None of the Defendants Dwan, Keenan, Ryle, Mahoney, nor Chu would testify as to the custom, policy or practice of securing and field testing evidence, especially when these samples were not what they were supposed to be, a controlled substance; None of them testified as to any Field test done on the substances, albeit, at the request of the Assistant District Attorney they presented the Drug Certificate.

54. At the request of the Suffolk County District Attorney's Office and tainted evidence and testilies presented, the grand jury issued indictments against the plaintiff relevant to this complaint for 3 ~~separate~~ counts of distribution of a

class b controlled substance, the same within a park or a school zone and the underlying offenses as a subsequent offense, carrying a mandatory minimum state prison sentence of of five years.

55. In response to Discovery the Suffolk District Attorney did not provide all Hinton Lab reports, such as Powder Sheets, sequence Sheets, Control Cards, QC Injector Mix Results, and others test ongoing correspondance between Chemist and Police, Chemist and Prosecutors, Commonwealth of Massachusetts Director of Hinton Lab and her employee Defendant Supervisors Salemi, O'Brien, and Piro and the Commonwealth of Massachusetts District Attorneys, such as Suffolk District Attorney, and City of Boston Police Commissioner and his police officers have a long history of unlawfully interacting denying the constitutional, civil and other rights of citizens and are deliberate indifferate thereby doing so, further the District Attorney under the color of state law denys constitutional, civil and other rights by not providing the defense this information held by the Hinton lab.

56. For Years, Defendant Secretary of Executive offices of Human and Health Services of the Commonwealth, Defendant Mayor, Defendant District Attorney, Police Commissioner, Commonwealth and City of Boston pursuant to a custom, policy, and practice wrongfully violated the constitutional, civil, and other rights of citizens of the Commonwealth and City by indicting African Amercians with Hinton lab presumptive egregious misconduct prosecutor Drug certificates, and were deliberate indifferent

to the constitutional, civil, and other rights of the citizens' of the Commonwealth and City of Boston.

57. Prior to trial in 2007, albeit, several Discovery and Bill of Particular, also Exculpatory Motions were filed by the plaintiff the District Attorney and Assistant District Attorneys' never released the Hinton Lab discovery of the control cards, Powder Sheets of the two Releases of Samples to Daniella Fresca for the same day, Sequence Sheet, among other test and protocols required of chemist, this office has had a long history of denying the constitutional, civil, and other rights of citizens that the City of Boston and Commonwealth policy makers, Secretary of Executive Office of Human and Health Services of the Commonwealth and Mayor of the City of Boston, was on notice of at the time prior to and at the time Defendant District Attorney was hired/elected, but in deliberate indifference to the constitutional, civil, and other rights of the citizens of the City and Commonwealth, the City and commonwealth ignored the District Attorney's history of violating and acquiescing in violation of citizens' constitutional rights.

58. On April 17, 2007 Spencer went to trial the Commonwealth by way of Defendants Dwan, Keenan, Ryle, Chu, Mahoney, and Lynch repeatedly appeared and repeatedly lied about the incidents, and was allowed to introduce the Drug Certificate that was predicated upon egregious misconduct, and the plaintiff was found guilty.

59. On August 17, 2010 the Plaintiff's Unopposed Motion For A New Trial - Post Conviction Relief was allowed and he was released on bail.

60. During the pendency of the case, Defendant District Attorney provided Plaintiff with notice that he intended to call Defendants Fresca and Dookhan as expert witnesses should he intend to go to trial, along with notice was the Curriculum Vitae of each defendant, Dookhan claimed to have received her Master of Science in Chemistry from the University of Massachusetts, and accompanying these documents was the Drug Certificate predicated upon egregious government misconduct.

61. For years, Defendant District Attorney, Secretary of Human and Health Services, Commissioner of Department of the Department of Public Health, Director of Public Health, Division of Analytical Chemistry and Director of Hinton Lab has a long history of not reviewing the Curriculum Vitae of witness for the Commonwealth for court and employment, and was on notice of at the time of the Defendant chemists' hire, but in deliberate indifference to the constitutional, civil and other rights of the citizens of the City of Boston and the Commonwealth, including but not limited to African Americans like the Plaintiff who are the majority of the victims of these unlawful witnesses falsifying their CV.

62. At no time prior to the first trial did the Suffolk District Attorney provide the plaintiff with Hinton Lab discovery, albeit, he made several request for the information that pertained to the case and that was exculpatory.

63. For years, the City, District Attorney and Commonwealth

Secretary of Executive Offices of Human and Health Services and the Mayor was on notice as policy makers, that the custom, policy, and practice was to provide Drug Certificates in criminal matters without being able to cross-examine the chemist as to their test, procedure, and actions which was a long history of denying the constitutional, civil, and other rights of the citizens that the Defendants were on notice of, but in deliberate indifference to the constitutional, civil, and other rights of the citizens of the City of Boston, the City and Commonwealth employees' history of violating and acquiescing in violation of citizens' constitutional rights.

64. On December 17, 2012, Defendant Dookhan was indicted in Suffolk Superior Court, in connection with her work, for tampering with evidence, misleading criminal investigation, and other charges.

65. At all times relevant to this complaint, Secretary Bigby Commissioner Auerbach, Directors' Nassif and Han were directly responsible for the policies, practices and customs of the Hinton Lab employees, and for their supervision, monitoring, and training.

66. The Commonwealth, The City, Defendant Mayor, Secretary Bigby/Polanwicz and Commissioner Auerbach/Barlett maintained outdated operation procedures for the Hinton Lab, nor undertook any action toward independent accreditation, these Defendant policy makers were on notice and have a long history of denying the constitutional, civil, and other rights of citizens of the Commonwealth and City, and has ignored their own history

of violating and acquiescing in the violation of citizens' constitutional rights.

67. In December, 2012 Commissioner Auerbach resigned from his post as Commissioner of the Department of Public Health, upon his resignation, Auerbach issued this statement: "It is clear that there was insufficient quality monitoring, reporting and investigation on the part of supervisors and managers surrounding the former Department of Public Health lab in Jamacia Plain."

68. Hinton lab super lab supervisors O'Brien, Salemi, Piro, Nassif and Han, failed to monitor Dookhan adequately, failed to alert supervisors to problems, and allowed her to continue to have access to substances, to test substances, to withhold exculpatory evidence, enter the evidence computers and to testify in court even after the breach in June 2011.

69. In September of 2012, the Attorney General's Office launched an investigation into the misconduct the Hinton lab, based upon interviews of Hinton lab employees, the State Police Reported the following:

A. Dookhan forged other chemists' and evidence officers' initials in an unknown number of instances, including on Quality Assurance and Quality Control documents. She ignored Lab procedures by loading and running her own samples on the GC/MS.

B. Dookhan failed to properly run QC/QA test samples, instead purposefully making up test result numbers on the "Quality Control Daily Injector Test" on the GC/MS. Dookhan maintained a level of production of test results

that concerned supervisors and co-workers, often analyzing more samples in a week than they did in a month. She was submitting racks upon racks of sample vials to the confirmatory chemists, and leaving many samples out on her bench top.

- D. Dookhan exhibited a pattern of failing basic laboratory procedures, including documentation issues, failing to calibrate balances, and having a work space filled with numerous vials open to cross contamination.
- E. O'Brien allowed Dookhan access to the evidence office computers in order to enter and look up data even after she was suspended from the lab duties.
- F. Dookhan engaged in the practice of "dry labbing" looking at the sample instead of testing them with the presumptive testing. Dookhan was not using the proper method of inspecting slides prepared for a microscope. This resulted in an unknown number of samples coming back as heroin when Dookhan had supposedly tested it and found it to be cocaine and vice versa. Dookhan would then alter these samples so that they would come out the way she wanted.
- G. Dookhan was contacted directly by ADAs and police officers about specific samples, which she would then "pull" for analysis, even out of order, despite lab policies forbidding both this contact and action.
- H. Dookhan accessed the lab numerous times while suspended and also many times without any supervisor of the evidence room.
- I. Dookhan had a key and unfettered access to the evidence room and safe.
- J. The Laboratory had a culture of lax oversight, as many issued with Dookhan were allowed to continue for years, even having her responsible for training and for some QC/QA Procedures.
- K. Numerous lab personnel expressed concerns with Dookhan's workload, documentation errors, blatant forgeries, and

- questionable test results, but no action was taken.
- L. In 2010, Dookhan's work was audited due to concerns about her workload. However, samples were not retested. Rather, it appears paperwork was simply reviewed.
 - M. The Department of Public Health did not retain records when a sample was resubmitted and retested; the number of any retests was not tracked or audited in any manner.
 - N. The lab evidence room and evidence safe were accessible to an unknown amount of chemist and employees of the Of the Lab.
 - O. The procedures to restrict access to the evidence room were ignored and circumvented. The safe was found open and unattended, was left propped open when it was "busy" and was accessible by codes and keys that had not been changed in over a decade.
 - P. An unknown number of chemist had keys to the safe.
 - Q. The palm reader access point to the evidence room was not recording those who entered, or that information was not preserved properly, or was destroyed, and as of the date of this complaint the State Police Investigation has not uncovered any records of access to evidence room via the palm reader.
 - R. In June 2011, Han and Nassif discovered Annie Dookhan had breached protocol and removed 90 samples from the evidence room without authorization.
 - S. Han and Nassif did not properly investigate the specific breach of protocol, her workload, her results, and/or her general lack of adherence to protocol. They also failed to make written findings of her resubmittals or other QC/QA issues that were recorded.
 - T. The method of samples being checked in and out suffered from lack of oversight, as whole sets of numbers could be pulled by Dookhan without anyone noticing.
 - U. The evidence officer or officers had a pattern of laxity when it came to tracking samples and access to evidence room and safe, computer terminals, and written logbooks.

- V. On or about December 2011, when it was clear that an unknown number of keys opened the safe, Auerbach began an investigation into Dookhan.
 - W. Shirley Sprague, who worked in the evidence office, claims Salemi started checking keys, and perhaps switching them out.
 - X. Salemi claims that Nassiff said she was checking keys for Dookhan and a few others, but no plan to check every key was made and take inventory of who had keys to the evidence room.
 - Y. The Hinton Lab did not appear to adhere to any safeguards or policies to prevent assistant district attorneys and police officers from contacting a specific chemist about a specific case or cases.
 - Z. Annie Dookhan lied about receiving a Master's Degree in Chemistry from University of Massachusetts as listed in her resume or curriculum vitae, which she gave to the Assistant District Attorney handling Soloman's case. This false information was used by the District Attorney's Office through the course discovery in preparation for trial.
70. At all times relevant to the allegations contained in this complaint Nassiff, Han, Salemi, O'Brien, and Piro failed in their respective positions to conduct oversight, investigate complaints, report violations, enforce safeguards or policies, produce exculpatory evidence, and ensure the integrity of the samples while stored at the Hinton Lab Evidence Room and safe.
71. Secretary Bigby/Polanowicz, Commissioner Auerbach/Barlett Nassiff, and Han all failed to prohibit direct contact between Hinton lab chemists and Assistant District attorneys prior to testing the substances in the cases being prosecuted, Conley District Attorney was also on notice.

72. For years, Suffolk County District Attorney's Office and Secretary of Executive offices of Human and Health Services failed to enact any internal policy concerning communications between chemists and assistant district attorneys, prior to testing the alleged substances, the City of Boston policy makers, Defendant Mayor and District Attorney, and Commonwealth Defendant Secretary was on notice and had a long history of denying the constitutional, civil and other rights of citizens of the City and Commonwealth, the Commonwealth and City ignored these customs, policies and practices, but in deliberate indifference to the constitutional, civil, and other rights of the citizens of the City of Boston, especially African Americans.

73. For years, Boston Police Department and Police Commissioner and Secretary of Executive Offices of Human and Health Services failed to enact any internal policy concerning communications between chemists and police officers, prior to testing the alleged substances, the City of Boston policy makers, such as Defendant Mayor and Police Commissioner, and Commonwealth Defendant Secretary Bigby was on notice and had a long history of denying the constitutional, civil, and other rights of citizens of the City and Commonwealth, the Commonwealth and City ignored these customs, policies and practices, but in deliberate indifference to the constitutional, civil and other rights of the citizens

of the City of Boston, especially African Americans.

74. Secretary Bigby/Polanowicz, Commissioner Auerbach/Barlett, Director Nassiff, Director Han and Suffolk District Attorney all failed to train, supervise and monitor their employees concerning existing policies for preserving and producing exculpatory evidence, including evidence contained on Powder Sheets, GS/MS printouts, Control Sheets, Control Cards, Sequence Sheets and Evidence Log Books.

75. Boston Police Commissioner and Suffolk District Attorney have failed to train, supervise and monitor their employees concerning existing policies for preserving and producing exculpatory evidence, including evidence of field test done on samples, police notes by under cover officers, debriefing of undercover (informants/officers), phone calls and regular police notes.

76. On October 9, 2014, a second trial began, the Commonwealth elicited false testimony from the incident, as to the plaintiffs' participation and on the day that Defendant Keenan alleged the plaintiff was the main participant, Defendant Fresca testified how she does only 25 complexed samples at a time, albeit, confounded as to the additional 25 samples taken out on the same day under her name.

77. On October 10, 2014, Director Nassiff, Charles Salemi, Peter Piro, and Elizabeth O'Brien also Annie Dookhan all hid behind the Fifth Amendment and refused to testify as to their employment role at the Hinton Lab during the time the samples were examined.

78. On October 14, 2014 the Plaintiff was acquitted of the charges relevant to this complaint .

79. On August 31, 2015 Plaintiff wrote a ch. 258, § 4 Tort Letter to Secretary John Polanowicz of the Executive Offices of Human and Health Services, since he is the proper individual pursuant to ch. 6A, § 16, also the City of Boston was presented the same, neither responded.

80. About June 2016 a second presentment was sent to and a letter to Jesse Caplan about July 25, 2016, he is the General Counsel for the Secretary since he wrote and said he was investigating the claim(s), concerning plaintiffs' Dookhan and Farak claims.

81. On rare occasion that defendants have commented, they have simply spoken of the "judicial crisis" to the judicial system instead of the innocent victims whose rights were violated by the Commonwealth.

82. In contrast, when the innocent victims of the dookhan crisis have been non-African Americans, the Defendants have immediately have their cases dismissed and have immediately cited the need for more reforms and have offered their apologies to the non African American victims of the Dookhan cases.

83. The City of Boston Police Department, Commonwealth of Massachusetts Hinto Lab, District Attorney Office, under the leadership of the Defendants, has a well known and documented custom, policy and practice of failing to take reasonable steps to properly train is employees to constitutionally

guaranteed rights of the citizens of the City of Boston.

84. Defendants Mayor, Police Commissioner and the City of Boston have a history of exonerating officers for allegedly using racial profiling against the city's citizens. Officers in the police department are confident that a reported incident will not result in any disciplinary proceeding unless its recorded or another officer can verify that it occurred.

85. For years, the racial profiling, framing and beating of African Americans exemplified an insidious, deeply entrenched culture which city officials, including Defendant Mayor and Police Commissioner, have refused to hold officers accountable, embolding city police officers to repeatedly violate the constitutional rights of innocent African Americans.

86. The failure of the Defendant Mayor, Police Commissioner, and City of Boston to properly train the city's police officers, including but not limited to the individually named defendants, constitutes a municipal policy or custom(s) of the City of Boston Police Department and amounts to deliberate indifference to the rights of people with whom the city's police officers come into contact, including, but not limited to the Plaintiffs.

87. The defendants' actions against the plaintiff were part of widespread patterns and practices of the Boston Police Department and its officers.

88. As a direct and proximate cause of the policies, customs and practices of the defendants, the Plaintiff have sustained numerous constitutional deprivations.

CLAIMS

COUNT 1: VIOLATION OF 42 U.S.C. § 1982; FOURTH AND FOURTEENTH AMENDMENTS

89. Plaintiff incorporates by reference Paragraphs 1 through 88 of this Complaint, as if fully set forth here.

90. Defendants Mayor, Police Commissioner, and City of Boston implemented and enforced a practice, policy and custom of war on drugs against african americans by massive street sweeps, racial buy/bust operations, home raids, racial profiling, search on sight of blacks and prosecution under draconian federal laws, without legal justification, probable cause, or reasonable suspicion of criminal conduct, as required under the fourth amendment.

91. Plaintiff, Barry Spencer, has suffered violations of his rights under the Fourth Amendment and other rights as incorporated by the Fourteenth Amendment, which were directly and proximately caused by practices, policies and customs implemented, enforced, promoted, and developed by Defendants, as set forth in this complaint.

92. Defendants Mayor, Police Commisiioner, and the city of Boston have acted and omitted to act with callous disregard and deliberate indifference to the Fourth Amendment rights of Plaintiff, Barry Spencer, and as a direct and proximate result of the acts and omissions of the Defendants, the Fourth Amendment rights of the Plaintiff have been violated.

93. As a direct and proximate cause of the acts, conduct and omissions by Defendants, Plaintiff's rights under the United States Constitution were violated, and Plaintiff has

suffered and continues to suffer great pain, including emotional and economic losses.

**COUNT 2: VIOLATION OF 42 U.S.C. § 1983;
FAILURE TO TRAIN, SUPERVISE, AUDIT
AND DISCIPLINE**

94. Plaintiff incorporates by reference Paragraphs 1 through 93 of this Complaint, as if fully set forth here.

95. Defendants Mayor, Police Commissioner, and City of Boston have failed to and were deliberate indifferent to the need to properly train, supervise, audit, and discipline all individually named police officers under their command, including in the areas of racial profiling, racial buy/bust operations, home raids (racially motivated), war on drugs directed at African Americans in area also of stop, and frisks implementation and its limitations, racial and minority relations, and limitations on the use of force.

96. Defendants Mayor, Police Commissioner and City of Boston have failed to and were deliberate indifferent to the need to properly train, supervise, audit and discipline all individually named police officers under their command in areas involving using citizens to violate due process to initiate criminal activity so they can prosecute and the limitations on what is constitutionally permissible.

97. As a direct and proximate cause of the acts, conduct and omissions by Defendants, Plaintiff's rights under the United States Constitution were violated, and Plaintiff has suffered and continues to suffer great pain, including emotional and economic losses.

**COUNT 3: VIOLATION OF 42 U.S.C. sec 1983
FOURTH AND FOURTEENTH AMENDMENTS**

98. Plaintiff incorporates by reference Paragraphs 1 through 97 of this Complaint, as if fully set forth here.

99. Defendants Keenan, Dwan, Mahoney, Chu, Ryle, and Lynch while acting under the color of state law and with deliberate indifference to the Plaintiff's rights, in such a manner that shocks the conscience were racially motivated, to violated due process by originating criminal activity, so they can prosecute two african americans in a buy/bust where all the initial evidence was loss, which is their custom, policy, and practice, especially when the case is not predicated upon articulate facts or reasonable suspicion.

100. As a direct and proximate cause of the acts, conduct and omissions by Defendants, Plaintiff's rights under the United States Constitution were violated, and Plaintiff has suffered and continues to suffer great pain, including emotional and economic loses.

**COUNT 4: VIOLATION OF 42 U.S.C. sec. 1983
FOURTH AND FOURTEENTH AMENDMENTS**

101. The Plaintiff incorporates by reference Paragraphs 1 through 100 of this Complaint, as if fully set forth here.

102. Defendants' Dwan, Keenan, Lynch, Ryle, Mahoney, Chu, and Suffolk County District Attorney while acting under the color of state law, engaged in malicious prosecution when he willfully and purposefully sought the Suffolk Superior Court indictment without probable cause for the charges, knowing their actions to be wrong and unlawful, and where the prose-

cution ultimately terminated in the Plaintiff's favor.

103. As a direct result of this conduct, plaintiff suffered the damages previously described.

**COUNT 5: VIOLATION OF 42 U.S.C. sec. 1983
FIFTH AND FOURTEENTH AMENDMENTS**

104. Plaintiff incorporates by reference Paragraphs 1 through 103 of this Complaint, as if fully set forth here.

105. Defendants Dookhan and Fresca while acting under color of state law with deliberate indifference to Plaintiff's rights, and/or in such a manner as shocks the conscience, tampered with the alleged substance and falsified the certification introduced to the grand jury in support of the probable cause, which certificate was to be introduced at further official proceedings including trial, with the purpose of impairing the verity of the substance and/or preparing the certification knowing it to be false and misleading the grand jury and other public officials engaged in the proceedings.

106. As a direct and proximate result of this conduct, Plaintiff has suffered the damages previously described.

**COUNT 6: VIOLATION OF 42 U.S.C. sec 1983
FIFTH AND FOURTEENTH AMENDMENTS**

107. The Plaintiff incorporates by reference Paragraphs 1 through 106 of this Complaint, as if fully set forth here.

108. The Defendant Dookhan, while acting under color of law with deliberate indifference to Plaintiff's rights, and/or in such a manner that shocks the conscience, intentionally

falsified the educational experience on her curriculum vitae, a document which was to be introduced at official proceedings including trial, knowing the information to be false and with the intent of misleading the Court and other public officials engaged in the proceedings.

109. As a direct and proximate result of this conduct, Plaintiff has suffered the damage previously described.

**COUNT 7: VIOLATION OF 42 U.S.C. § 1983
FIFTH AND FOURTEENTH AMENDMENTS**

110. The Plaintiff incorporates by reference Paragraphs 1 through 109 of this Complaint, as if fully set forth here.

111. Defendants Dwan, Keenan, Lynch, Mahoney, Chu, Ryle, Han, Salemi, O'Brien, Piro, Dookhan, Fresca, Director Nassif, Secretary Bigby, Commissioners Auerbach, Commissioner Evans, Mayor Walsh the Commonwealth and City while acting under the color of state law, and with deliberate indifference to the Plaintiff's rights, and/or in such a manner that shocks the conscience, failed to provide exculpatory evidence to the prosecutor of Suffolk County prior to the 2007 trial and before the second trial in 2014, such evidence including the phone tip (that was lost), the field test (that were lost) the additional lab test done on the samples since the lab samples were on two different sign out sheets, police notes, debriefing notes of informants in case, and further between the police and chemist defendants someone intentionally framed the plaintiff by fabrication of evidence, knowing the evidence to be false and with the intent of misleading the jurors and public officials engaged in the proceedings,

Keenan was the originator of the plan, and Dookhan's misconduct worked in concert with their acts.

112. Defendants Mayor, Secretary, Directors, and Commissioners acts and omissions constituted a custom, practice and policy of deliberate indifference to the Plaintiff's constitutional rights by their employees as previously described in counts 1, 2, 3, 4, 5, and 6.

113. As a direct and proximate result of this conduct, Plaintiff suffered the damages previously described.

**COUNT 8: VIOLATION OF 42 U.S.C. § 1983
FIFTH AND FOURTEENTH AMENDMENTS**

114. The Plaintiff incorporates by reference Paragraphs 1 through 113 of this Complaint, as if fully set forth here.

115. Defendants Bigby/Polanowicz, Auerbach/Barlett, Nassif, Han, Salemi, O'Brien, and Piro, acting under the color of state law, and directly responsible for the policies, practices, and customs of the Hinton Lab employees, and for the supervision and training of their employee chemists, were so culpable through their acts and omissions as to constitute authorization of, and acquiescence in, the unlawful conduct of defendant Dookhan.

116. Defendants Bigby, Auerbach, Nassif, Salemi, O'Brien, Han, and Piro's acts and omissions constituted a custom, practice, and policy of deliberate indifference to the Plaintiff's constitutional rights as previously described in Counts 1, 2, 3, 4, 5, 6, and 7.

117. As direct and proximate result of this conduct, plaintiff suffered the damages previously described.

**COUNT 9: VIOLATION OF 42 U.S.C. § 1983
FOURTH, FIFTH, AND FOURTEENTH AMENDMENTS**

118. Plaintiff incorporates by reference Paragraphs 1 through 117 of this Complaint, as if fully set forth here.

119. Defendant District Attorney and Suffolk County District Attorney's Office acts and omissions, prior to both the 2007 and 2014 trials of certain evidence that was allegedly lost by police i.e. tip phone call (which began investigation), police notes, debriefing notes, field test, informant notes, and other evidence, including but not limited to only police evidence, chemist reports are missing and the failure to train on these issues, all constituted a custom, practice, and policy of deliberate indifference to Plaintiff's constitutional rights as previously described in counts 1, 2, 3, 4, 5, 6, 7, and 8.

120. As a direct and proximate result of this conduct, Plaintiff suffered the damage previously described.

COUNT 10: VIOLATION OF M. G. L. ch. 12, § 11I

121. Plaintiff incorporates by reference Paragraphs 1 through 120 of this Complaint, as if fully set forth here.

122. By the actions described in paragraphs 1 through 121, Defendants Dwan, Keenan, Lyanch, Ryle, Mahoney, Chu, Dookhan, Fresca, Piro, O'Brien, Salemi, Director Hinton lab, Director DPHDAC, Commissioner DPH, Police Commissioner, Secretary EOHHS, City of Boston, and Mayor deprived the Plaintiff of his civil rights, secured by the constitutions of the United States and the Commonwealth of Massachusetts, through the use of threats,

intimidation, and coercion, in violation of M. l. c. 12, § 11I

WHEREFORE, the Plaintiff request that this Honorable Court:

1. Award compensatory damages against all the Defendants jointly or severally;
2. Award punitive damages against all Defendants;
3. Award the cost of this action, including reasonable attorney fees.

JURY DEMAND

Pursuant to Rule 38 (b) of the Rules of Civil Procedure the Plaintiff hereby demands a jury trial for all triable issues.

I HEREBY ATTEST AND CERTIFY ON

Oct. 24, 2016, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY:

Margaret M. Sella
Asst. Clerk

/s/Barry Spencer II

Barry Spencer

MCJ Shirley

PO Box 1218

Shirley, MA. 01464

LETTER OF PRESENTATION OF A CLAIM

Pusuant To G.L.ch. 258, § 4

Presented to: His Excellency, Duval Patrick

Governor of the State of Massachusetts
certified mail number 7011 0110 0001 3785 9565

His Honorable, Thomas Menino

City of Boston, Massachusetts

Suffolk County

certified mail number 7011 0110 0001 3785 9572

Gentalmen,

As a prerequisite to commencement to a civil action, pursuant to your statutory requirements of G.L. ch 258, § 4, of the Massachusetts Tort Claim Act; I, hereby address you both as Public Employer and Excutive Officer, see 394 Mass 186, 1985 Mass LEXIS 1374, Being the official who has the authority to settle a claim before suit is instituted, you hold the overall financial and budgetary responsibility for those agencies and departments herein mentioned. Weaver v Commonwealth, 387 Mass 43, 47 48.

You must abide by the law of the Rules of Civil Procedure Rule 9(c) either deny the claims allegations presentment 'specificially and particularity' or move pursuant to G.L. ch. 258, § 5, for Arbitration, Compromise,

settlement and or release of claims.

The Massachusetts Tort Claims Act presentment requirement is justified because it (1) enables Government units to investigate promptly alleged incident to facilitate immediate assessment of liability, because fraudulent and meritless claims are harder to detect when time is allowed to elapse; (2) protects against cost of needless litigation by increasing likelihood of early adjustment of disputes and out of court settlements; (3) prevents failure or future accidents and expenses by establishing and enabling governmental unit to make necessary repairs to improve procedures; and (4) it aids municipalities in determining future taxes and planning budgets.

McGrath v Stanley (1986) 1986 Mass LEXIS 1349.

First of all it is to be believed there is a fair and unbiased system of rules, with checks and balances in the Federal Government and the Several States, especially Massachusetts Court rooms. I OBJECT, to the artificial and mainly false dichotomy that politicians, Judges, and Prosecution and Defense Lawyers, in the political criminal court arena places between state Plaintiffs and citizen Defendants. The Most favorite quoted rhetoric is the "common law principle, ignorance of the law is not a defense before a bar of Justice".

However in paramount consideration, if the court

police and prosecutors, and now Anne Dookhan and the rest of the William A. Hinton State Drug lab whose private and public proclivities are well known in the State, are scrutinized, the disproportionate repertoire is conclusive.

The Boston Police Officers of Area A-1, Dwan, Chu, Lynch, Keenan, Mahoney, Unknown others; Anne Dookhan, Unknown other State Lab Chemist Technicians; Suffolk County Prosecutors Young, Callihan, Others Unknown in Prosecutor's Office; Even some Judges of Superior Court conspired and shared a particular ideological stance, catitonic as it may seem, but they rigorously violated, breached& hindered Barry-Henry: Spencer Junior's State and Federal Constitutional and Civil Rights, resulting in two wrongful convictions.

The results were all equivocal these individuals separately or collectively were desirous of removing any obstacle to allow any Constitutional or Civil Rights afforded Spencer, and that this resulted in a wrongful conviction, even to the point of having him place his 5th Amendment Right in jeopardy, under coercion, duress, and intimidation.

The confluence of events in the two wrongful Convictions are as follow:

CASE 1

SUCR2004-10017
Suffolk Superior Court

Commonwealth v Barry Spencer

1. Boston City Police Officers Sgt. Dwan, Keenan, Chu, Mahoney and other unknown officers, conspired against the right of citizens, and sovereigns of Massachusetts under the guise of posing as drug addicts wanting to purchase narcotics to arrest for violation of the statutory provisions for distribution.

2. This entrapment was predicated upon condescending innocuous questions upon those who frequent the Theater District, who are mostly City of Boston Homeless, to procure drugs to justify drug sales

3. Undercover officer Keenan corrupt the acquisition process, he was acting catitonic and spontaneous, with a dangerous aggressive manner with a pernicious line of questioning/interrogation about drugs (where to get some?; How he's been robbed, can I help). I tried to get away from him he followed me, badgered me, all the while enticing me to purchase drugs for him and me to use.

4. Having empathy for him, we came to a conclusion of sharing each other and hang out, basicly a particular ideological stance, however Keenan snatched the alleged from my hand and ran off.

5. I was tackled, head first into the ice bank, I felt a knee was upon my head and in my lower back (I was just in a car accident five months earlier with numerous fractures) I was drag around causing my pants to rip and belt to break, my hand and arms twisted just plain ole fashion Boston Police treatment unnecessary and excessive force.

6. The ironic part is I ("Spencer") did not agree to any drug sale, in any way pertaining to what the statute

entails, however, Spencer was arrested for violation of that statute, under a post hoc fabrication of probable cause disguised as testilying.

7. Boston Police Officer Dwan or some other unknown Officer sent the alleged substance, to the William A. Hinton State Drug Lab for analysis by Chemist technicians, the alleged substance returned as positive.

8. However, unbeknown to Spencer, Anne Dookhan, possibly her Supervisors and co-Worker were inadequately trained, and usurp the the whole due process of the procedures vociferously, basicly they were desirous of removal of any obsticle allowing constitutional and civil rights, departmental due process and equal protection of the law.

9. The Suffolk Superior Court Justices allowed the Boston Police Officers to testify for the Suffolk County prosecutor, at suppression and dismissal hearings, albiet, police admitted to instigating criminal activity in order to buy-bust, and perjured themself with a story that should of sounded suspicious to the trained ear, with patterns of coincidences that are possible, but highly unlikely; it seemed as if the Judges had a predisposition that Spencer was guilty, and needed to be punished.

10. Judges felt that the police testimony carried more weight then Spencer's, and the prosecutors felt the same way simply because they are Police Officers who are not more that likely not to lie, and they would have no motive to lie (unless any evidence was illegally obtained in an illegal stop and search in violated in the 4th Amendment).

11. During the trail A.D.A. Young armed with the Police Officers testilying, several corroborating witnesses from the Police Department to support the

testilying and the certificate from the State Lab, thus, intentionally initiated and maintained a malicious prosecution of Spencer.

12. A.D.A. Young manipulated the facts, making a cohesive and flattering picture of the facts, attenuated by reproduction which does not negate the magnitude of such violations herein mentioned.

13. Arnold Cohen was fired as my appointed counsel pursuant to Masters 53 Rule of Court, albeit, he was forced upon me as Stand-by counsel, in violation of my 6th Amendment right; Even though in a assistant role he attempted to hinder the case at every phase, even change court dates without my permission. He actually argued with me about the case and lied several times about the issues of law.

14. When I was incarcerated for more than a two year period and my enthusiasm for the regime of criminal court abated, I asked A.D.A. Young let's just end this case I'll plead guilty to possession, but it was her contention (and the Officers) that all coincidences of any sort, presented by her co-workers, most particularly those which happened in ways and times inconvenient to any criminal defendant/plaintiff.

15. Any and every attempt made to attack the credibility of State witness Boston Police Officers, either by motion or on cross examination in hearings and trial was dismissed as rhetoric rantings.

16. The Trial Judge was more or less like the suppression Judges (See #9), she fostered the police's post hoc probable cause testimony and encouraged the prosecutor at each step in the process in both direct or indirect ways.

17. The Judge purposefully ignored the law to protect evidence from being suppressed, knowingly accepting police perjury as truthful.

18. Spencer was forced, compelled even to violate his own 5th Amendment Constitutional provision, in order not to have the Jury accede to the army of post hoc probable cause and the state lab technicians illegal certificates.

19. Spencer's truth was potentially a more formidable adversary than City of Boston Police and Suffolk County Prosecutors appreciated, so he took decisive action in the difficult circumstance.

20. The Judge said she did not believe that there was any real evidence of drug sales, moreso, drug addiction, yet in still she did not allow the Motion for a direct finding of Not Guilty at the rest of the Commonwealth Suffolk County prosecutor case.

21. She (Judge) decided to charge the Jury with a lesser included offense of Possession.

22. Spencer ("I") Objected vociferously under the all or nothing Argument, Prosecutor agree with me, but the Judge refused.

23. The Jury found Spencer not guilty of Distribution of Cocaine, but guilty of Possession.

24. The Judge then sentenced Spencer to one year house of correction, then she looked at the record to tally the jail credit, she was furious when she saw I sat more than two years on this case.

25. Since I was sentenced to one year I spent more than my required time in jail so I motioned the Judge to compensate me for the excess time in jail she never ruled on the matter. I was held in Suffolk County Jail and the Department of Correction for a year plus over my sentence.

26. Spencer appealed the all or nothing defense, the appeals court affirmed the judgement.

27. Now with the state lab scandal and the personal proclivities of Anne Dookhan this Judgement can not stand and is illegal, and should be expunged from Spencer's probation and criminal record.

Case 2

SUCR2006

Commonwealth v Barry Spencer

Suffolk Superior Court

1. Same as # 1 in Case 1

2. Allegedly a citizen Kathy Parker called Boston Police Department, alleging a complaint that "a black male and black female has entered her apt at 25 Charles St. Boston, MA and are selling drugs and will not leave," albiet, there was no evidence of the activity.

3. Boston Police Officer Keenan and this team, asked Parker if he could sell these individuals drugs so he can arrest them, she agreed voluntary or under coercion, intimidation and threats.

4. Parker began asking Barry Spencer ("Spencer") and his friend ("Miss") to obtain a score for her friend ("Keenan") cause he can not get any drug where he's from, she was insistent, badgering, threats of not letting us in to sleep over knowing we were homeless.

5. Spencer and Miss objected vociferously, cause they didn't sell drugs, Parker made an ultimatum to get her friend (Keenan) some stuff or don't come back.

6. Parker's emphatical manipulation was guided by Boston Police Officers, to deprive Spencer and Miss of their constitutional rights without due process.

7. Believing everyone was addicts, just wanting to party sharing a particular ideological stance, having empathy Miss assisted Keenan by way of Parker.

8. This act became the first of many post hoc probable cause fabrications under the buy-bust theory, several times Miss interacted in this capacity unknowingly being used, fooled and cajoled trying to help a friend.

8. Same as #7 in Case 1

9. Same as #8 in Case 1

10. In violation of the Constitution State and federal, one of the Boston Police co-conspirers Officer Lynch went to Boston Municipal Court in an Judge or Magistrate session and applied for a warrant, he actually provided testimony for what another officer (Keenan) said, did, smell, saw, and observations, Lynch corrupted the whole process, thus, rendering the warrant inactive.

11. No drugs or money was ever exchanged between Spencer and any person, just mere presence (is not a crime), albeit, Spencer was charged with a joint venture theory as if, he participated in the act.

12. Same as # 9 of Case 1

13. Same as #10 of Case 1

14. Same as #11 of Case 1

15. Same as #12 of Case 1

16. Same as #13 of Case 1

17. I was appointed Jeane Carol as appointed Counsel pursuant to Masters 53 Rule 53 of Court, she did nothing for several months, her belief in defense was a plea.

18. I asked Carol if she would handle a car accident for me, she declined, however, she told me I could fire her as a public attorney and hire her for \$10,000 and she'll give my case her undivided attention; she never explained the difference buy she withdrew from the case.

19. I was again forced to go Pro se due to the actions of court appointed attorneys, there were no 6th Amendment Constitutional protects.

20. It seemed, as if, the Judges were protecting the the actions of the two prior attorney, and just before trial decide to appoint stand-by counsel John Wood.

21. same as #14 of Case 1

- 22. Same as #15 of Case 1
- 23. Same as #16 of Case 1
- 24. Same as #17 of Case 1 and #10 of Case 2
- 25. Spencer was found guilty of Distribution and of the subsequent offense.
- 26. Spencer appealed and the case was overturned due to constitutional breaches.
- 27. Same as #27 of Case 1

Paramount Considerations:

1. Whether race, homelessness, and geographical bias played a role in the criminal prosecution of Spencer (and possibly a class of persons)?
2. Whether the Boston Police Department targeted a specific class of people, in order to clean out the Downtown theater district?
3. Whether the City of Boston and the Commonwealth of Massachusetts failed its mentally handicapped homeless people, with drug addictions?
4. Whether the City of Boston and the Commonwealth failed its homeless mentally ill citizens by allowing police officers and Suffolk prosecutors to overcharge individuals in order to incarcerate instead of giving them help?
5. Whether Boston Police officers, Suffolk Prosecutors and Court Officers were properly trained to deal with people with alleged mental illness from prolonged use of drugs?
6. Whether Boston Police officers, Suffolk County Prosecutors Anne Dookhan, State Lab employees and others were properly trained, and that lack of training was the resulting factor in deprivation of Spencer's Civil and Constitutional Provisions?
7. Whether Anne Dookhan and other State Lab chemist technicians possessed the proper credential to adequately perform their job requirements?
8. Whether Boston Police Officers conspired in disguise

with the intention to prevent or hinder Spencer's free exercise and enjoyment of any right?

9. Whether if Spencer's personal proclivities would of been made public, if it were not for the illegal acts of the Boston Police officers?

10. Whether Boston Police Officers fabricated evidence and withheld exculpatory evidence, to create post hoc probable cause in both cases?

11. Whether Boston Police officers, Anne Dookhan, Suffolk County prosecutors and any and all others did willfully, with specific intent, and or recklessly deprive Spencer of Constitutional Rights, or, Civil Rights, or, Federal and State Laws, or, by decisions interpreting them, under the color of law? or, not under the color of law?

12. Whether the deprivation of Rights (42 USCS 1983) also under the color of law deprivation (18 USC 242), caused wrongful conviction, or, unlawful imprisonment in SUCR2004-10017 and SUCR2006-10731, by each person individually and or collectively?

13. Whether the Suffolk County assistant prosecutor and all superiors in the office, is responsible for deprivation of rights under the color of law, under 42 USCS 1983 and 18 USC 241 and 242, being the presenter of the case?

14. Whether Boston Police Officers committed assault and battery by means of unnecessary and excessive force upon Spencer's person in cases SUCR2004-100017 and SUCR 2011-400300 and recent a case out of West Roxbury 1206CR00289 (note the West Roxbury case with be sent in a separate 258 Tort Letter).

15. Whether Anne Dookhan, Boston Police Officers, Suffolk County prosecutors individually or collectively conspired against a class of people?

16. Whether Boston Police Officers illegally fabricates post hoc probable cause to make an arrest?

17. Whether Judges are as a paramount consideration just as responsible for the conspired acts against Spencer's Constitutional Rights and Civil Rights by allowing the intentional infliction of emotional duress and physical restraint in violation of the established law?

These acts of all are not shielded from liability for their constitutionally impermissible acts, be their acts violated clearly established statutory or constitutional rights which a reasonable person would have known. Harlow v Fitzgerald, 457 US 800, 818

In the interest of a speedy and efficient disposition of said claim, I hereby settle said claim(s) in full and release the Commonwealth and Suffolk County, and all of their employees, servants, and agents of all liability arising from these claims and SUCR2011-1004003 SUCR2011-1004003 (after both are expunged from my record) in consideration of the receipt of:

1. I will accept \$7,665,000.00 US Dollars for the 6 year of incarceration, in a wrongful conviction. Notibly, \$3,500 per day not counting the madness that goes along with it, and the duress...loss of family members, missed quality time with family, ect.

2. I would expect my whole record expunged, clean slate.

I am open to suggestions because in no way do I want to hurt the State of Massachusetts, nor its employees, helpers, servants, or aids, albiet, I must protect my interest.

Barry-Henry: Spencer Junior
barryspencerjr55@aol.com
illegally held OCCC
1 Administration Road
Bridgewater, MA 02324

Resident Address
14 Weaver Court
Roxbury, MA 02119
Non-Domestic

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Polanowicz,
Secretary
Executive Office of
Health & Human Services
One Ashburton Pl, 11th Fl
Boston, MA 02108

2. Article Number
(Transfer from s)

7013 1090 0000 4976 6632

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

Don L. Amato
C. Date of Delivery
the substance
you have re
this inma

D. Is delivery address different from item 1? Yes ☐ No ☒
If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

BRIDGEWATER COMPLEX CHARGE SLIP

CIRCLE ONE: BSH MTC MIN (OCCC)

7.18

DATE: 7/12/15

CHARGE \$ 70.70 TO THE ACCOUNT OF

INMATE NAME

Barry Sencer

COMM #

A12687

PAYABLE TO:

Mail PAID

FOR:

Office of Health & Human Services
Bridgewater
Inmate Accounts
John Polanowicz
Secretary Executive

INMATES SIGNATURE:

Barry Sencer

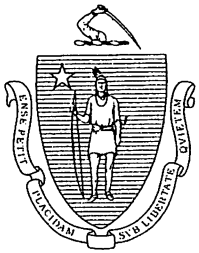
APPROVED BY:

Co # 44
7013109000049766632

CK #

7013109000049766632

DATE PAID



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

TEL: (617) 727-2200
www.mass.gov/ago

February 18, 2015

Barry Spencer, A121687
Old Colony Correctional Center
1 Administrative Road
Bridgewater, MA 02324

Dear Mr. Spencer:

We are in receipt of your ten Presentment Claim Forms dated January 16, 2015. Upon review of the documentation you included with the Forms, I note that nine of the claims were either previously submitted to, or forwarded to, the Executive Office of Public Safety & Security and that they responded to all nine of those claims in letters addressed to you at the above-referenced location.

With respect to the only remaining claim form, which references a claim against the Boston Police and State Lab Hinton and for which you provided an incident date of May 26, 2006, that claim is not presented in accordance with the provisions of Massachusetts General Laws c.258. The incident date is well outside the statute of limitations.

Please contact me if you have any question regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Ellen Tierney".

Ellen Tierney
Administrative Assistant

Barry Spencer II
Illegally Held A121687
1 Administration Road
Bridgewater, MA 02324

Kaitlyn Dwyer,
Presentment Coordinator
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

RE: Status of Presentment On Three Annie Dookhan Case
and Unconstitutional Conviction

Dear Coordinator Dwyer,

Back in January of last year I sent this office a presentment for the above captioned, and copies to the Offices of the Governor and Mayor of the City of Boston, also a copy to their Chief Legal Counsels Sonnett and Reilly, Cert. Mail No. 7011 0110 0001 3785 9596 and 7011 0110 0001 3785 9572. To this day I never received an answer to the presentment, due to never receiving a yea or nay I moved by suit in the State No. SUCV2013-02122 and the Federal Case no. 1:13-cv-11431-DJC(notibly, you have not answered the Federal case.

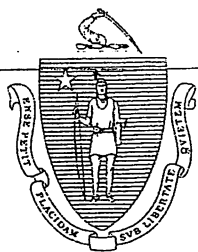
I am attempting to come to terms with all this, and again I let it be known that the compromise of me being incarcerated is not working, the officers in these cases assaulted me, thus a pattern of their illegal acts, and the prosecution will not allow me a trial and with all the cases in the Supreme Judicial Court over the State Lab, who wants a trial if the court deems the eveidence illegal by the break in the chain of custody, needless to say the public attorneys were ineffective, see the cases SUCR2006-10731 and SUCR2011-40010.

Shall we continue to waste tax payer money fighting a loosing battle, 2006-10731 already ended in one unconstitutional conviction, shall we try for three more?

Again its up to Your office to evaluate the cases I present and decide whether we continue to compromise by the Government telling me what to do while it is Liable to Me, or we negotiate? and decide to come to some terms that is benefitual to us all.

Sincerely,

Barry Spencer II



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

TEL: (617) 727-2200
www.mass.gov/ago

February 11, 2016

Nancy A. White, Esq.
General Counsel
Department of Correction
70 Franklin Street, Suite 600
Boston, MA 02110-1300

Re: Claimant: Barry H. Spencer II
Date of Incident: 12/14/2015
Date of Letter: 02/03/2016

Dear Attorney White:

Pursuant to M.G.L. c. 258, § 4, I am forwarding for your review and investigation the enclosed letter referenced above which was received in this office on 02/09/2016.

In forwarding this letter, we make no determination as to whether this is a proper presentment under Chapter 258. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Matthew McGann", written over a horizontal line.

Matthew McGann
(617) 963-2054

Enc.

cc:

Barry H. Spencer II
1 Administration Rd.
Bridgewater, MA 02324

Barry Spencer II
1 Administration Road
Bridgewater, MA 02324

August 31, 2015

John Polanowicz, Secretary
Executive Office of
Health and Human Services
One Ashburton Pl., 11th Floor
Boston, MA 02108

RE: Letter of Presentment of Unconstitutional Conviction of
Innocent Man Due To Tainted Hinton Laboratory Chemist
Certificate and Inept and Bundling Training, Supervision
and Monitoring of Management and Chemist

Dear Secretary Polanowicz,

In lieu of being found Not Guilty on October 14, 2014 in
Commonwealth v Barry Spencer, No. SUCR2006-10731 in a multiple
Joinder of offense indictment, offenses # 005 (see annexed BPD
Incident Report Complaint no. 060277325), I present you pursuant
to ch. 6A, § 16 as the proper individual my ch. 258 presentment
must be sent for evaluation, and investigation of my claim to
facilitate immediate assessment of liability, in order to pro-
tect against the cost of needless litigation by increasing the
likelihood adjustment of disputes and out-of-court settlements,
as presentment requirement is ment to ensure. McGrath v. Stanley,
397 Mass 775, 779 (1986).

Basicly, the trial in this case proved what I stated all
along, the samples were tainted. Prior to this trial the A.D.A
Barbara Young or Callihan put in a "Priority Order" for testing
of the samples in this case and and unrelated case Commonwealth
V Barry Spencer, No. SUCR2004-10017. (Sonja Farak was the chemist
in that case it is presently under appeal). However, the order
was never turned over in discovery and its unclear if Dookhan
spoken to, or taken the order for the "rush".

At the trial in SUCR2006-10731 Annie Dookhan, Linda Han,
Julianne Nassif, Charles Salemi, Peter Piro and Elizebeth O'brien
all plead the 5th and did not testify, but Daniella Freasca did
as to her participation in the alleged examination of sample
No. 773385 (see annexed Hinton Laboratory Certification).

During her testimony she stated she only tests 25 samples at a time, however, on that day there were 2 sets of 25 samples of 25, equaling 50 samples which she could not explain. Also the Powder Sheets she alleged to only had touched and filled in had Annie Dookhan's Signature on them, with other handwritting inconsistencies albeit she became argumentive it was her work. She lyed. The incessant ineradicable taint of the work was obvious enough the Commonwealth refused to use the Certificate No. 773385, thus did not meet its burden.

My complaint goes against the Management upper levels, not training, supervising and monitoring lower level management personal from the Secretary of Executive Office of Health and Human Services, JudyAnn Bigby, to Commissioner of Department of Public Health, John Auerbach, to Director of Department of Public Health in charge of the Division of Analytical Chemistry to Director of Hinton Laboratory, Linda Han to Supervisor of Operation of the Hinton Laboratory, Charles Salemi, to Supervisor of Evidence Office, Elizabeth O'Brien to Technical Supervisor of the Hinton Laboratory, Peter Piro; Their inept and buldling performance led to mismanagement, training, supervision and monitoring of Chemist.

The State Laboratory Employees from Chemist to Management was the proximate cause in malicious prosecution by willfully and purposefully provided a Drug Cerificate No. 773385 that was based upon tainted mishandling of a sample by Annie Dookhan, that was attempted to be covered up by her laboratory partner Dainella Fresca. This certificate was used to seek and Indictment without probable cause against Spencer on the May 26, 2006 incident where the substance was not a controlled substance.

The State Laboratory Employees from Chemist to Management were deliberate indifferent to Spencer's rights in a manner that shocks the conscience, tapered with the alleged substance falsified the certification introduced to the grand jury in support of probable cause, which certificate was introduced

at the first trial, with the purpose of impairing the verity of the substance and or preparing the certification knowing it to be false and misleading the grand jury and other public officials engaged in the proceedings.

The Management and Chemist with deliberate indifference to Spencer's rights in such a manner that shocks the conscience, intentionally failed to provide Exculpatory evidence to the Prosecutor during the pendency of the prosecution, such evidence including the initial control sheets, back sides of the control card, Podwer Sheets, the printout of the initial GC/MS Test Results, ect. prior to the first trial on April 17, 2007, and not even after the reversal in August 10, 2010, until forced by the Court by the Hinton Laboratory State Review.

The Upper Management, then lower were directly responsible for the policies, practices and customs of the Hinton Laboratory for All Employees (Management, Supervisors, Chemists, ect. . .) and for the supervision and training of their employees, were so culpable through their acts and omissions as to constitute authorization of, and acquiescence in the unlawful conduct of its Management and Chemist (Annie Dookhan, Daniella Fresca, ect) . . . These issues were consistent with the interview of the Hinton employees by the state police and are further complaints of Spencer, as follos:

- A. Dookhan forged other chemists' and evidence officers' initials in an unknown number of instances, including on Quality Assurance and Quality Control documents. She ignored lab procedures by loading and running her own samples on the GC/MS.
- B. Dookhan failed to properly run QC/QA test samples, instead purposefully making up test result numbers on the "Quality Control Daily Injector Test" on the GC/MS.
- C. Dookhan maintained a level of production of test results that concerned supervisors and co-workers, often analyzing more samples in a week than they did in a month. She was submitting racks upon racks of sample vials to the confirmatory chemists,

- and leaving many samples out on her bench top.
- D. Dookhan exhibited a pattern of failing basic laboratory procedures , including documentation issues, failing to calibrate balances, and having a work space filled with numerous vials open to cross contamination.
 - E. O'Brien allowed Dookhan access to the evidence office computers in order to enter and look up data even after she was suspended from lab duties.
 - F. Dookhan engaged in the practice of "dry labbing," looking at the samples instead of testing them with the presumptive testing. Dookhan was not using the proper method of inspecting slides prepared for a microscope. This resulted in an unknown number of samples coming back as heroin when Dookhan had supposedly tested it and found it to be cocaine and vice versa. Dookhan would then alter these samples so that they would come out the way she wanted.
 - G. Dookhan was contacted directly by ADAs and police officers about specific samples, which she would then "pull" for analysis, even out of order, despite lab policies forbidding both this contact and action.
 - H. Dookhan accessed the lab numerous times while suspended and also many times without any supervision of the evidence room.
 - I. Dookhan had a key and unfettered access to the evidence room and safe.
 - J. The Laboratory had a culture of lax oversight, as many issues with Dookhan were allowed to continue for years, even having her responsible for training and for some QA/QC procedures.
 - K. Numerous lab personnel expressed concerns with Dookhan's workload, documentation errors, blatant forgeries, and questionable test results, but no action was taken.

- L. In 2010, Dookhan's work was audited due to concerns about her workload. However, samples were not retested. Rather, it appears paperwork was simply reviewed.
- M. The Department of Public Health did not retain records when a sample was resubmitted and retested; the number of any retests was not tracked or audited in any manner.
- N. The laboratory evidence room and evidence safe were accessible to an unknown amount of chemists and employees of the laboratory.
- O. The procedures to restrict access to the evidence room were ignored and circumvented. The safe was found open and unattended, was left propped open when it was "busy," and was accessible by codes and keys that had not been changed in over a decade.
- P. An unknown number of chemists had keys to the safe.
- Q. The palm reader access point to the evidence room was not recording those who entered, or that information was not preserved properly, or was destroyed, and as of the date of this complaint the State Police Investigation has not uncovered any records of access to the evidence room via the palm reader.
- R. In June 2011, Han and Nassif discovered Annie Dookhan had breached protocol and removed 90 samples from the evidence room without authorization.
- S. Han and Nassif did not properly investigate the specific breach of protocol, her workload, her results, and/or her general lack of adherence to protocol. They also failed to make written findings of her resubmittals or other QC/QA issues that were recorded.

- T. The method of samples being checked in and out suffered from lack of oversight, as whole sets of numbers could be pulled by Dookhan without anyone noticing.
- U. The evidence officer or officers had a pattern of laxity when it came to tracking samples and access to the evidence room and safe, computer terminals, and written logbooks.
- V. On or around December 2011, when it was clear that an unknown number of keys opened the safe, Auerbach began an investigation into Dookhan.
- W. Shirley Sprague, who worked in the evidence office, claims Salemi started checking keys, and perhaps switching them out.
- X. Salemi claims that Nassiff said she was checking keys for Dookhan and a few others, but no plan to check every key was made and take an inventory of who had keys to the evidence room.
- Y. The Hinton lab did not appear to adhere to any safeguards or policies to prevent assistant district attorneys and police officers from contacting a specific chemist about a specific case or cases.
- Z. Annie Dookhan lied about receiving a Master's Degree in Chemistry from University of Massachusetts as listed in her resume or curriculum vitae, which she gave to the Assistant District Attorney handling Solomon's case. This false information was used by the District Attorney's Office through the course of discovery in preparation for trial.

Spencer's issues are consistent with Inspector General, Glenn A. Cunha's "Investigation of the Drug Laboratory at the William A. Hinton State Laboratory 2002-2012" March 4, 2014, www.mass.gov/ig. He is not the only individual effected by this epidemic.

I present my claims due to my unconstitutional conviction of an innocent person on this individual issue and I await your assessment of the claims.

Respectfully submitted,

/s/Barry Spencer, II
Barry Spencer II

Cc file

Bonnie H. MacLeod, Justice Suffolk Superior Court



Kathleen M. O'Toole, Commissioner

INCIDENT REPORT

ORIGINAL

STATUS: UNAPPROVED

KEY SITUATIONS		COMPLAINT NO.	RPT DIST.	CAD RA	RPT RA	CLEAR. DIST.
Drugs		060277325	A1	066	66	
UCR INCIDENT DESCRIPTION		UCR FINAL INCIDENT DESCRIPTION		STATUS		DATE OCCURRED FROM
						05/26/2006
LOCATION OF INCIDENT		APT. -		DISPATCH TIME		TIME OCCURRED FROM
147 CHARLES ST S		2				04:55 PM
NEIGHBORHOOD		TYPE OF BUILDING		PLACE OF ENTRY		WEATHER
BEACON HILL				FRONT DOOR		CLOUDY
TYPE OF WEAPON-TOOL		SUSPECT MODE OF TRANSPORTATION		VICTIMS ACTIVITY		SUSPECT RELATIONSHIP TO VICTIM
DRUGS						OUTSIDE - DAY
UNUSUAL ACTIONS AND STATEMENTS OF PERPETRATOR						
SEE NARRATIVE						
PERSONS	1	TYPE	NAME (LAST, FIRST, MI)	S.S. NO.	BOOKING NO.	DOCKET NO.
		VICTIM	COMM OF MA		0	
		ALIAS	ADDRESS	GENDER	RACE	DOB
						AGE
		HEIGHT	WEIGHT	BUILD	HAIR	EYES
						0
OCCUPATION		MARITAL STATUS		CONTACT #1		CONTACT #2
SPECIAL CHARACTERISTICS (INCLUDING CLOTHING)						
PERSONS	2	TYPE	NAME (LAST, FIRST, MI)	S.S. NO.	BOOKING NO.	DOCKET NO.
		WITNESS	SGT. DET. DWAN, DET. LYNCH, P.O.'S KEENAN, RYLE, C		0	
		ALIAS	ADDRESS	GENDER	RACE	DOB
			AREA A-1 DCU, MA			AGE
		HEIGHT	WEIGHT	BUILD	HAIR	EYES
						0
OCCUPATION		MARITAL STATUS		CONTACT #1		CONTACT #2
SPECIAL CHARACTERISTICS (INCLUDING CLOTHING)						
PERSONS	3	TYPE	NAME (LAST, FIRST, MI)	S.S. NO.	BOOKING NO.	DOCKET NO.
		OFFENDER	SPENCER, BARRY HENRY		60130910	
		ALIAS	ADDRESS	GENDER	RACE	DOB
			0 HOMELESS, BOSTON MA 02121-0000	MALE	BLACK NON-HISPANIC	
		HEIGHT	WEIGHT	BUILD	HAIR	EYES
		5-11	200	HEAVY	BLACK	BROWN
OCCUPATION		MARITAL STATUS		CONTACT #1		CONTACT #2
SPECIAL CHARACTERISTICS (INCLUDING CLOTHING)						
WHITE SHIRT, BLUE JEANS, BLACK BOOTS, BROWN LEATHER JACKET						
PERSONS	4	TYPE	NAME (LAST, FIRST, MI)	S.S. NO.	BOOKING NO.	DOCKET NO.
		OFFENDER	YOUNG, FELICIA M		60131010	
		ALIAS	ADDRESS	GENDER	RACE	DOB
			250 CAMBRIDGE ST 3, BOSTON MA 02114-0000	FEMALE	BLACK NON-HISPANIC	
		HEIGHT	WEIGHT	BUILD	HAIR	EYES
		5-02	130	SLIM	RED	BROWN
OCCUPATION		MARITAL STATUS		CONTACT #1		CONTACT #2
SPECIAL CHARACTERISTICS (INCLUDING CLOTHING)						
BROWN/RED SHIRT, BLUE JEANS JACKET, BLUE JEANS, BROWN BOOTS						

PROPERTY	STATUS	TYPE OF PROPERTY	SERIAL	BRAND NAME - DESCRIPTION	MODEL	VALUE
	TURNED IN AS EVIDENCE	DRUG / NARCOTICS		CRACK COCAINE - 5 P/B'S WHITE ROCK		\$0.00

NARRATIVE AND ADDITIONAL INFORMATION:

About 4:55 PM Friday May 26, 2006 Officers Keenan, Ryle, Chu, Mahoney and Detective Lynch of the Area A-1 Drug Control Unit were conducting an on-going drug investigation at 147 Charles Street under the supervision of Sgt. Det. Wm. Dwan.

Prior to executing Boston Municipal Court Search Warrant # 56 of 2006, Officer Keenan, working in an undercover capacity, went to 147 Charles Street apartment #2 on the third floor to purchase crack cocaine.

Officer Keenan met with the suspects he knows as "Barry" later identified as Barry Spencer and "Little Bits" or "Bits" later identified as Felicia Younge who were both sitting near the front windows of the apartment at a table. Officer Keenan knew Spencer and Younge from two previous controlled buys of crack cocaine (CC#s 060273157 & 060275030) at that address.

Spencer asked Officer Keenan how much money he had on him and Officer Keenan said he had \$100.00, showing Spencer and Younge \$100.00 BPD buy money. Spencer placed five p/b's of white rock believed to be crack cocaine on the table in front of him. Officer Keenan handed Younge \$100.00 BPD buy money previously recorded by Sgt. Detective Dwan and watched as she counted the money. Younge then cuffed five p/b's of crack cocaine with her hand and moved them to Officer Keenan. Officer Keenan picked up the five p/b's of white rock believed to be crack cocaine from the table.

Spencer told Officer Keenan that he would give Officer Keenan two rocks for every person the Officer brings back to 147 Charles St #2 to buy crack cocaine.

Officer Keenan then left the building and notified the A-1 Drug Unit. Officers of the drug transaction: Sgt. Detective Dwan, Detective Lynch, Officers Chu, Ryle and Mahoney then executed the search warrant at 147 Charles Street apartment #2 placing Spencer and Younge under arrest for three (3) counts of Distribution of Class "B", three (3) counts of Distribution of Class "B" with in 1000 feet of the Beacon Hill Nursery School located on Joy Street to be measured by Detective Lynch, and three (3) counts of conspiracy to violate drug laws.

Spencer was also charged with Distribution of Class "B" 2nd & subsequent offense after his Board of Probation record revealed he was convicted on 11/10/99 out of Suffolk Superior Court for Distribution of Class "B" docket # 9910443001.

Younge was also charged with Distribution of Class "B" 2nd & subsequent offense after her Board of Probation record revealed she was convicted out of B.M.C. on 7/2/96 for Possession of Class "B" with intent to Distribute docket # 9601CR2871.

Officer P. Darosa of the A435F responded to the scene and recovered the \$100.00 BPD buy money from Younge's front right pants pocket. The DCU money was returned to circulation.

Drugs were turned over to Sgt. Det. Wm. Dwan and logged into drug control log book # 50 page # 106.

UNIT ASSIGNED	SHIFT	REPORTING OFFICER'S NAME	REPORTING OFFICER'S ID	PARTNER'S ID
V853	3	DONALD F. KEENAN	10652	10804

SPECIAL UNITS NOTIFIED (REPORTING)

Drug Control Unit

DATE OF REPORT	TIME COMPLETED	APPROVING SUPERVISOR NAME	APPROVING SUPERVISOR ID
05/26/2006	07:12 PM	N/A	0



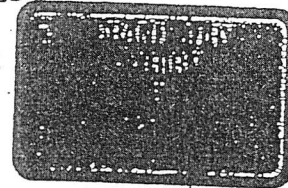
Mitt Romney
Governor

Kerry Healey, Lt. Governor

Timothy R. Murphy, Secretary

Paul J. Cote Jr.
Commissioner

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
State Laboratory Institute, 305 South Street
Boston, MA 02130
617-983-6622



DATE RECEIVED: 06/05/2006
DATE ANALYZED: 07/11/2006

NO. 773385

I hereby certify that the substance
Contained in 5 plastic bags
Submitted by P.O. WM. DONNELLY of the BOSTON POLICE DEPT.

MARKED: 773385

Has been examined with the following results:

The substance was found to contain:

Cocaine, a derivative of Coca leaves, as defined in Chapter 94 C,
Controlled Substance Act, Section 31, Class B.

5 similar items were received and 1 was randomly selected
and analyzed.

NET WEIGHT: 0.10 grams (analyzed item only)

DEFENDANT: SPENCER, BARRY & YOUNGE, FELICIA

ASSISTANT ANALYST: *[Signature]* Daniela Frasca

[Signature] Annie Dookhan

On this 13th day of July, 2006, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.



Elizabeth L. O'Brien
Notary Public
Commonwealth of Massachusetts
My commission expires on
November 24, 2011

[Signature]
Elizabeth L. O'Brien, NOTARY PUBLIC
My commission expires on November 24, 2011

Chapter 111, Section 13 of the General Laws

This certificate shall be sworn to before a Justice of the Peace or Notary Public, and the Jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the composition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.

City of Boston
Police Commissioner: William Evans
1 Schroeder Plaza
Roxbury, MA 02120-2014

Barry Spencer Jr
MCI Shirley
P.O. Box 1218
Shirley, MA 01464

Clerk: Maureen E. Feeney
City of Boston
City Hall
One City Hall Square
Boston, MA 02201

June 26, 2016

RE: Presentment Letter Mass. Gen. L. ch. 258, sections
Spencer v Dookhan, U.S. Dist. 15-cv-13886

Dear Commissioner,

I make this presentment to you as the Public Employer for your officers: Sgt. Det. Dwan, Det. Lynch, Officers Chu, Ryle, Mahoney and Keenan, who were out of Area A-1 in May of 2006 when the arrest occurred, for the alleged distribution of an unknown controlled substance. Mr. Spencer went to trial and was found guilty on April 23, 2007. He appealed, however, an uncontested Motion for New Trial was allowed predicated upon the benefit of Melendez-Diaz. On October , 2014 a second trial commenced, he was found Not guilty of a case, in a multiple joinder offense indictment, hence this action.

Mr. Spencer at all times has contested the acts of these officers, the same team of officers accused him of similar acts in December 2003, creating a pattern of this behavior, by some of the same officers.

On May 26, 2006 the officers, sent Keenan, working undercover to 147 Charles Street Apt. 2, in an attempt to purchase a controlled substance. Keenan alleged he engaged Mr. Spencer and another person, albeit, at all times prior Keenan "purchases" occurred with the other person. Spencer placed 5 plastic bags on the table, allegedly, in front of him. Keenan handed the other person \$100 then that person cuffed the 5 plastic bags and moved then to Keenan. Keenan left the building.

After the seizure of the substance it went to the William Hinton Laboratory. See annexed Presentment for Secretary of the Commonwealth: John Polanowicz.

Spencer's Erroneous Felony-Unconstitutional Conviction lasted from 5/30/ 2006 through August 10, 2010; 1/11/2011 through 10, 2011; 11/21/2012 through 3/12/2013, where jail credit was well over the 1855 Jail Credit the court recognized with the remaining indictments.

Spencer Seeks compensation in the sum of \$100,000.00 for the conviction and \$549,250.00 for the days incarcerated at the sum of \$350.00 per day.

Pursuant to the law that governs 258, I would expect an answer from your office, in order to not muddy the waters with continuation litigation on these matters.

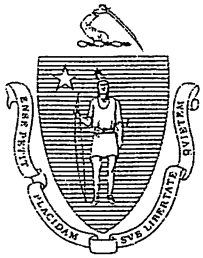
Respectfully submitted,

/s/Barry Spencer, II
Barry Spencer, II

Cc File

Maura Healey, Attorney General - Presentment Coordinator
Office of the Attorney General, 1 Asburton Pl. Boston 02108

Maureen Eeeney, Clerk, City of Boston One City Hall Square
Boston, 02120-2014



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

TEL: (617) 727-2200
www.mass.gov/ago

July 12, 2016

Jesse Caplan, Esq.
General Counsel
Executive Office of Health and Human Services
One Ashburton Place, Room 1109
Boston, MA 02108

Re: Claimant: Barry Spencer II
Date of Incident: unknown
Date of Letter: 7/6/2016

Dear Attorney Caplan:

Pursuant to M.G.L. c. 258, § 4, I am forwarding for your review and investigation the enclosed letter referenced above which was received in this office on 7/11/2016.

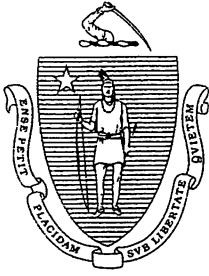
In forwarding this letter, we make no determination as to whether this is a proper presentment under Chapter 258. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M McGann".

Matthew McGann
Paralegal/Presentment Coordinator
(617) 963-2054

Enc.
cc:
Barry Spencer II
MCI Shirley
P.O. Box 1218
Shirley, MA 01464



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
One Ashburton Place, Room 1109
Boston, Massachusetts 02108

CHARLES D. BAKER
Governor

KARYNE E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

Tel: (617) 573-1600
Fax: (617) 573-1891
www.mass.gov/eohhs

July 18, 2016

Barry Spencer II
MCI Shirley
P.O. Box 1218
Shirley, MA 01464

Re: Barry Spencer II v. DPH

Dear Mr. Spencer:


This letter will confirm that, on July 11, 2016, the Office of the Secretary of Health and Human Services received your claim from the Office of the Attorney General, pursuant to the state tort claims act, G.L. c. 258, and referred your claim to me. During the next several months, we will be reviewing your claim to determine whether a settlement offer is warranted and will notify you promptly of the outcome of our review. Although we expect to respond to your claim well within the six-month presentment period of G.L. c. 258, you should regard your claim as denied if you have not heard from us within the next six months.

In order to conduct the review which your claim warrants, we will need to contact all appropriate state agencies which possess information relevant to your claim. We therefore will assume that we can consider your letter to constitute written consent to the disclosure of personal data, as defined in G.L. c. 66A, between and among this office, the agency in question, the Executive Office for Administration and Finance, and the Office of the Attorney General. Each of these divisions of state government plays a role in the process outlined in G.L. c. 258 and therefore may need access to such information. Please notify us immediately if you do not consent to the exchange of such data.

We would appreciate your providing any further information which would assist us in evaluating your claim. If you have not already provided them, copies of any accident reports, appraisals, medical records, witness statements, and administrative grievance forms which may apply to your claim would be helpful. Any records pertaining to car rental or storage fees relating to a car accident must be forwarded to us as soon as possible to be considered for payment. You should be aware, however, that the Commonwealth does not pay for long-term car rental or storage fees.

If you have any questions regarding this claim please call 617-573-1680.

Sincerely,


Jesse Caplan
General Counsel

JC/raf



Barry Spencer II
P.O. Box 1218
Shirley, MA 01464
July 25, 2016

Jesse Caplan
General Counsel
Executive Office of
Health and Human Services
One Ashburton Place, Room 1109
Boston, MA 02108

RE: Claimant: Barry Spencer
Barry Spencer v DPH (Dookhan)
Barry Spencer v DPH (Farak)

Dear Caplan,

I receive your July 18, 2016 letter referencing your offices investigation of my G.L. c. 258, presentment, just so we are on the same page, your office should have two different presentment:

1. concerning Annie Dookhan
2. concerning Sonya Farak

The **Dookhan** presentment was sent certified last september 17, 2015, and again last June 2016 just for safe measures, around the time I sent the **Farak** presentment. I enclose both, I am indigent as of today, so again I sent them for a third time for evaluation.

I believe there old **Dookhan** cases you can read, that you are aware of, however, none of them entail the 258D, because I was acquitted, same as the **Farak** case.

I will wait for your evaluation and if you are not seriously concidering a settlement, please let me know so I can take the proper steps to preserve my rights. Now if you need my help in obtaining any records to forward your investigation feel free to contact me, however, I would expect that any and all records you obtain will be shared with me in this pre-litigation process.

Sincerely,

/s/Barry Spencer II

CIVIL ACTION COVER SHEET	DOCKET NUMBER <u>110-28436</u>	Trial Court of Massachusetts The Superior Court
PLAINTIFF(S): <u>Barry Spencer</u> ADDRESS: <u>P.O. Box 1218</u> <u>Shirley, MA 01464</u>	COUNTY <u>Suffolk</u> DEFENDANT(S): <u>Martin Walsh, Annie Dookhan,</u> <u>Daniella Fresca, John Polanowicz, John</u> <u>Auerbach, Linda Han, Donald Keenan et al.,</u> ADDRESS: _____	
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)		
CODE NO. <u>E-17</u>	TYPE OF ACTION (specify) <u>Civil Rights</u>	TRACK <u>A</u>
HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
"Other" please describe: <u>M.G.L. ch 258D</u>		
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A		
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For form, disregard double or treble damage claims; indicate single damages only.		
TORT CLAIMS (attach additional sheets as necessary)		
Documented medical expenses to date:		
1. Total hospital expenses		\$ _____
2. Total doctor expenses		\$ _____
3. Total chiropractic expenses		\$ _____
4. Total physical therapy expenses		\$ _____
5. Total other expenses (describe below)		\$ _____
Subtotal (A):		\$ _____
Documented lost wages and compensation to date		
Documented property damages to date		
Reasonably anticipated future medical and hospital expenses		
Reasonably anticipated lost wages		
Other documented items of damages (describe below)		
Briefly describe plaintiff's injury, including the nature and extent of injury: <u>physical, mental and emotional injury due to illegal incarceration</u>		TOTAL (A-F): \$ _____
CONTRACT CLAIMS (attach additional sheets as necessary)		
Provide a detailed description of claim(s): <u>Erroneous conviction of innocent person for several years of incarceration, collectively a total of 1855 days due to egregious government misconduct.</u>		TOTAL: \$ _____
Signature of Attorney/Pro Se Plaintiff: <u>X/s/Barry Spencer II</u>		Date: <u>8/25/16</u>
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.		
CERTIFICATION PURSUANT TO SJC RULE 1:18		
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.		
Signature of Attorney of Record: <u>X</u>		Date: _____

I HEREBY ATTEST AND CERTIFY ON

Oct. 24, 2016

**THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.**

**MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT**

BY: Margaret M. Sellen

Asst. Clerk

COMMONWEALTH OF MASSACHUSETTS
Suffolk Superior Civil Court
Of The Trial Division

Barry Spencer II
Plaintiff,

vs

Martin Walsh et. al.,
Defendants,

No.

16-2843G

SUFFOLK SUPERIOR COURT
CIVIL DIVISION OFFICE
2016 SEP 13 AM 11:43
MICHAEL JOSEPH DONOVAN
CLERK/MAGISTRATE

MOTION FOR SERVICE PROCESS BY
SUFFOLK COUNTY SHERIFF DEPARTMENT
CIVIL PROCESS DIVISION

Plaintiff being indigent pursuant to G.L. c. 261, §§ 27A-G,
moves this Honorable Court to allocate funds at the government
expense to serve the defendants in this matter, for the pre-
paration of his case.

As additional reasons thereto:

1. The plaintiff is not represented by counsel.
2. The cost of service by any other means will be beyond
his means, at the present time.
3. He already has several court fees deducted from his
account monthly and can not afford even service by certified
mail.
4. Justice dictates that this motion be allowed.

The Plaintiff,

/s/Barry Spencer II
Barry Spencer

Dated:

NOTICE SENT: 09/27/2016
B.S.- (Pro Se)

I HEREBY ATTEST AND CERTIFY ON
Oct. 24, 2016, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY:

Margaret M. Sella
Asst. Clerk

9/27/16
Allowed, plaintiff may
serve the defendants by
regular 1st class US mail.
Plaintiff shall provide an
affidavit as proof of
service pursuant to
M.R.C.P. rule 4.
By the Court, (Auriant J.)
Attest: Margaret M. Sella
Deputy Clerk

Commonwealth of Massachusetts
County of Suffolk
The Superior Court

5

Civil Docket#: SUCV2016-02843-C

Barry Spencer, II, A121687
Plaintiff(s)

vs
Annie Dookhan, et al
Defendant(s)

Mr. Barry Spencer, II, A121687

MCI Shirley
PO Box 1218
Shirley, Ma. 01464

**ORDER TO COMMISSIONER OF CORRECTION TO PROVIDE CERTAIN
INFORMATION REGARDING INMATE ACCOUNT
RELATIVE TO PLAINTIFF'S MOTION TO WAIVE FILING FEE
AND PROCEED IN FORMA PAUPERIS**

The plaintiff in the above-captioned action has filed a motion to waive the filing fee and court costs (normal) and to proceed in forma pauperis.

Pursuant to G.L. c261 s29, the correctional facility where the prisoner is currently incarcerated shall file a document showing the current status of the plaintiff's canteen account and savings account, if any, and the account activity for the past six (6) months. The document shall be filed within thirty (30) days of the date of this order. The statement is to be mailed to:

**SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
PRISONER DEPARTMENT, ROOM 1203
THREE PEMBERTON SQUARE
BOSTON, MA. 02108**

Dated at Boston, Massachusetts this 14th day of September, 2016.

By the Court, (Peter M. Lauriat, Justice)

NOTICE SENT: 09/14/2016

B.S. N.A.W.
(Pro Se) D.O.C.

By: Margaret M. Sella
Assistant Clerk

I HEREBY ATTEST AND CERTIFY ON

**Oct. 24, 2016, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.**

**MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT**

By: Margaret M. Sella
Asst. Clerk

Commonwealth of Massachusetts
County of Suffolk
The Superior Court

Civil Docket#: SUCV2016-02843-C

RE: Barry Spencer, II, vs Annie Dookhan, et al

TO: Mr. Barry Spencer, II, A121687
MCI Shirley
PO Box 1218
Shirley, Ma. 01464

ORDER

ORDER: After a review of your petition and correspondence, the Court has instructed the Clerk's Office to take the following action: Service is to be made upon defendants by means of certified mail, and you must return to the court the original summons with the green return receipt card for each defendant.

Dated at Boston, Massachusetts this 14th day of September, 2016

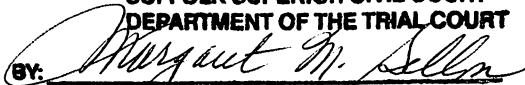
By the Court, (Peter M. Lauriat, Justice)

NOTICE SENT: 09/14/2016

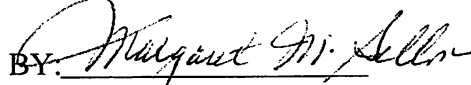
B.S. N.A.W.
(Pro Se) D.O.C.

**I HEREBY ATTEST AND CERTIFY ON
Oct. 24, 2016, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.**

**MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT**

BY: 
Asst. Clerk

Michael Joseph Donovan,
Clerk of the Courts

BY: 
Assistant Clerk

SUFFOLK, ss.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
NO. 16-2843-C

PRISONER PETITIONS - CIVIL ACTION DISPOSITION SHEET

TO: BARRY SPENCER, II, A121687
ADDRESS: MCI SHIRLEY
PO BOX 1218
SHIRLEY, MA. 01464

DATE:

After a review of your petition and correspondence, the Court has instructed the Clerk's Office to take the following action:

- | | |
|--|--|
| <input type="checkbox"/> (See attached Order) | <input type="checkbox"/> The correspondence is to be returned to you because: |
| <input checked="" type="checkbox"/> Service is to be made upon defendant(s) by means of <u>(certified)</u> (regular) mail by plaintiff(s). | <input type="checkbox"/> it fails to state a claim upon which relief can be granted. |
| <input type="checkbox"/> A copy of the complaint is to be sent to the Office of the Attorney General or the Department of Corrections by the plaintiff(s). | <input type="checkbox"/> it is a duplication of your pending case in this Court. |
| <input type="checkbox"/> a copy of the petition is to be sent to the Mass. Correction Legal Service for review and report as to legal representation in this matter. | <input type="checkbox"/> it fails to comply with the procedural requirements of Mass. G.L. 258 (Mass. Tort Claims Act) of providing six months notice to the defendant prior to the filing of a complaint and specifically naming the Commonwealth as a defendant. |
| <input type="checkbox"/> The trial date of this case will be scheduled by the Clerk's Office and you will be notified. | <input type="checkbox"/> It fails to state that the proper administrative remedies have been exhausted. |
| <input type="checkbox"/> The case is to be heard by the Court on the basis of briefs and affidavits only on _____, pursuant to the (plaintiff's) (defendant's) motion _____. | <input type="checkbox"/> It is incomprehensible. |

☐ _____

NOTICE SENT: 09/14/2016
B.S.- (Pro Se)

SUMMONSES, ETC. MAILED

DATE: 9/14/16
(Laurent, J.)

ATTEST: Margaret M. Sellen
ASSISTANT CLERK

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

NOTICE

RE: CIVIL PRISONER COMPLAINTS

Your return of service must be in compliance with the Court's endorsement entered on your complaint at the time of entry. If a complaint is to be served by certified mail, the return must be accompanied Certified with Return Receipt Card. If the receipts are unavailable, the return should be accompanied by Affidavit of Service stating that the complaint was served by certified mail. Additionally, all documents filed in Court must contain an original signature. Failure to comply with these rules will result in the returning of documents.

Assistant Clerk

DATE:

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

SPECIAL AMENDMENT TO SUPERIOR COURT RULE 9A
FOR INMATE CIVIL CASES

Inmates who have Civil Cases pending in Superior Court will not be required to comply with the changes in Rule 9A which became effective in January, 1990. That is, instead of "packaging" motions and responses thereto, as required by the amended Rule 9A, inmates may follow the old Rule 9A which allows direct mailing of all motions and responses to the Clerk-Magistrate's Office. This Special Amendment will relieve inmates of the burden of packaging motions and responses, and also save them the cost of mailing said package to the Clerk's Office.

Judith Fabricant
~~XXXXXXXXXX~~e, J.
Chief Justice of the Superior Court

Date _____

Case to enter w/o fee. Plaintiff(s) to serve by certified mail, copy
to Attorney General. Summonses sent to Plaintiff at no cost.
Hearing set for

() ATT: _____

Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

ADMINISTRATIVE DIRECTIVE 92-1

This administrative directive is implemented to address the unique problems that often accompany a civil action that is filed by someone who is incarcerated. Its aim is to promote a just and speedy resolution of these civil actions by ensuring:

1. That upon filing, the complaint is entered expeditiously and appropriate notice is sent.
2. That all named parties receive actual notice of the litigation.
3. That the cases proceed in a timely and cost effective manner.

Accordingly, it is ordered that upon the filing of the complaint, the Clerk is to pass upon the sufficiency of the affidavit of indigency (in almost all cases, the prisoner is indigent but has access to limited funds) and if indigent, to authorize service of process by certified mail on all named defendants - copy to the Attorney General. With notification of this action, the Clerk is to provide the plaintiff with the appropriate number of blank summonses. It is the obligation of the plaintiff to provide the requisite number of copies of the complaint and to complete the summons to perfect service. In those rare instances wherein the plaintiff has no funds, (ex: not in the general population of the prison), service may be authorized by regular mail and the Court is to provide the appropriate number of blank summonses.

With the notice of the Court's action, the plaintiff is also to be notified of what is required in filing a return of service and of the waiving of that part of Superior Court Rule 9A which requires the packaging of motions and responses thereto.

When a complaint filed by an inmate requires other than money damages, the complaint is to be reviewed by a justice for whatever action he or she deems appropriate. For example, it is the discretion of the justice to decide a requisite for a preliminary injunction upon the submissions and not the presence of the inmate.

This administrative directive is to take effect forthwith.

Judith Fabricant

Chief Justice of the Superior Court

Dated: May 1, 1992

7

**Commonwealth of Massachusetts
County of Suffolk
The Superior Court**

CIVIL DOCKET#: **SUCV2016-2843**

Barry Spencer, II,
Plaintiff

vs

Annie Dookhan, et al
Defendant(s)


**NOTICE OF WAIVER OF COURT COSTS AND REQUEST
FOR PAYMENT TO BE WITHDRAWN FROM ACCOUNT
(PURSUANT TO G.L. c. 261 sec. 29)**

The prisoner/plaintiff in the above-captioned action has filed a motion to waive the filing fee of \$275.00 and court costs (normal) and to proceed in forma pauperis. After reviewing the affidavit of indigency and the statement of inmate account provided by the correctional facility, the court hereby orders:

The plaintiff is incapable of paying the filing fee and may proceed in forma pauperis.

By the Court (Lauriat, Justice)

Dated: 9/27/2016


BY: 
Assistant Clerk

NOTICE SENT: 09/27/2016
B.S.- (Pro Se)

I HEREBY ATTEST AND CERTIFY ON

**Oct. 24, 2016, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.**

**MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT**

BY: 
Asst. Clerk

MASSACHUSETTS
DEPARTMENT OF CORRECTION
MCI SHIRLEY
Inmate Transaction History
Summary Report

9/20/2016

Inmate Name SPENCER, BARRY
Comm# A121687
Period encompassed 3/20/16 - 9/19/2016
Docket # SUCV2016-02844-C

16-2843

		personal	savings	total
Beginning Balance:	03/20/16	\$91.56	\$30.04	\$121.60
Balance as of	04/19/16	\$42.07	\$54.05	\$96.12
Balance as of	05/19/16	\$79.31	\$19.52	\$98.83
Balance as of	06/19/16	\$117.56	\$31.52	\$149.08
Balance as of	07/19/16	\$0.23	\$31.53	\$31.76
Balance as of	08/19/16	\$60.48	\$31.54	\$92.02
Ending Balance:	09/19/16	\$74.21	\$37.55	\$111.76

Six month average balance: \$100.17

20% of six month average balance: \$20.03

total expenditure for period: \$1,021.45

total income for period: \$1,011.61

RECEIVED

SEP 23 2016

SUPERIOR COURT - CIVIL
MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE

To the best of my knowledge the above summary information is true and accurate.

Signed: Debbie Graybelle

Title: Clerk IV

Date: 9-20-2016

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
Inmate Transaction Report**

Date : 20160920 13:06

Page : 1

Commit# : A121687

MCI SHIRLEY (MEDIUM)

Name : SPENCER, BARRY.,

Statement From 20160320

Inst : MCI SHIRLEY (MEDIUM)

To 20160419

Block : C-2

Cell/Bed : 59 /59B

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$8,233.74	\$8,142.18	\$571.54	\$541.50
20160321 15:14	EX - External Disbursement	29934234	181333	OCC	~INITIAL FILING FEE FOR CIVIL ACTION # 15-10518-IT-CLERK, US DISTRICT COURT	\$0.00	\$28.15	\$0.00	\$0.00
20160322 22:32	CN - Canteen	29941930		OCC	~Canteen Date : 20160322	\$0.00	\$14.80	\$0.00	\$0.00
20160323 10:37	IC - Transfer from Inmate to Club A/c	29943240		OCC	~GLOBAL-TEL - Z179~GLOBAL-TEL - Z179	\$0.00	\$8.00	\$0.00	\$0.00
20160323 20:01	PY - Payroll	29949926		OCC	~20160306 To 20160312	\$6.00	\$0.00	\$0.00	\$0.00
20160323 20:01	PY - Payroll	29949927		OCC	~20160306 To 20160312	\$0.00	\$0.00	\$6.00	\$0.00
20160328 10:43	ML - Mail	29966777	1739793494 5	STH	~SPENCER, ANN, ,	\$100.00	\$0.00	\$0.00	\$0.00
20160328 10:43	TI - Transfer from Institution	29966778		STH	~Associate Receipt Number is 29966777	\$0.00	\$100.00	\$0.00	\$0.00
20160328 10:43	TI - Transfer from Institution	29966779		OCC	~Associate Receipt Number is 29966777	\$100.00	\$0.00	\$0.00	\$0.00
20160329 22:30	CN - Canteen	29975345		OCC	~Canteen Date : 20160329	\$0.00	\$15.31	\$0.00	\$0.00
20160330 20:01	PY - Payroll	29984120		OCC	~20160313 To 20160319	\$6.00	\$0.00	\$0.00	\$0.00
20160330 20:01	PY - Payroll	29984121		OCC	~20160313 To 20160319	\$0.00	\$0.00	\$6.00	\$0.00
20160404 12:13	IC - Transfer from Inmate to Club A/c	30005475		OCC	~MUSLIM MASJID - Z166~MUSLIM MASJID - Z166	\$0.00	\$2.00	\$0.00	\$0.00
20160405 12:59	EX - External Disbursement	30012973	181650	OCC	~20% OF INCOME FOR MARCH 2016 ON CA# 13-11431-DJC-CLERK, US DISTRICT COURT	\$0.00	\$40.00	\$0.00	\$0.00
20160405 12:59	MA - Maintenance and Administration	30012975		OCC	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20160405 22:33	CN - Canteen	30016084		OCC	~Canteen Date : 20160405	\$0.00	\$31.48	\$0.00	\$0.00
20160406 20:01	PY - Payroll	30025068		OCC	~20160320 To 20160326	\$6.00	\$0.00	\$0.00	\$0.00
20160406 20:01	PY - Payroll	30025069		OCC	~20160320 To 20160326	\$0.00	\$0.00	\$6.00	\$0.00
20160411 16:35	IS - Interest	30055088		OCC		\$0.03	\$0.00	\$0.00	\$0.00
20160411 16:35	IS - Interest	30055089		OCC		\$0.00	\$0.00	\$0.01	\$0.00
20160413 20:01	PY - Payroll	30080270		OCC	~20160327 To 20160402	\$6.00	\$0.00	\$0.00	\$0.00
20160413 20:01	PY - Payroll	30080271		OCC	~20160327 To 20160402	\$0.00	\$0.00	\$6.00	\$0.00
20160419 22:30	CN - Canteen	30104598		OCC	~Canteen Date : 20160419	\$0.00	\$32.78	\$0.00	\$0.00
						\$224.03	\$273.52	\$24.01	\$0.00

Balance as of ending date :

Personal
\$42.07

Savings
\$54.05

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
Inmate Transaction Report**

Date : 20160920 13:06

Page : 2

Commit# : A121687
Name : SPENCER, BARRY,,
Inst : MCI SHIRLEY (MEDIUM)
Block : C-2
Cell/Bed : 59 /59B

MCI SHIRLEY (MEDIUM)

Statement From 20160320
To 20160419

Current Balances :

Personal	Savings	Freeze	Loan	Restitution	Sentence
\$74.21	\$37.55	\$0.00	\$0.00	\$0.00	\$0.00

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
Inmate Transaction Report**

Date : 20160920 13:07

Page : 1

Commit# : A121687
Name : SPENCER, BARRY,,
Inst : MCI SHIRLEY (MEDIUM)
Block : C-2
Cell/Bed : 59 /59B

MCI SHIRLEY (MEDIUM)

Statement From 20160420

To 20160519

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$8,457.77	\$8,415.70	\$595.55	\$541.50
20160420 08:57	IC - Transfer from Inmate to Club A/c	30107178		OCC	~PHOTO - Z13~PHOTO - Z13	\$0.00	\$1.20	\$0.00	\$0.00
20160420 20:01	PY - Payroll	30114291		OCC	~20160403 To 20160409	\$4.50	\$0.00	\$0.00	\$0.00
20160420 20:01	PY - Payroll	30114292		OCC	~20160403 To 20160409	\$0.00	\$0.00	\$4.50	\$0.00
20160422 09:37	IC - Transfer from Inmate to Club A/c	30126424		OCC	~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$6.80	\$0.00	\$0.00
20160427 20:02	PY - Payroll	30148410		OCC	~20160410 To 20160416	\$6.00	\$0.00	\$0.00	\$0.00
20160427 20:02	PY - Payroll	30148411		OCC	~20160410 To 20160416	\$0.00	\$0.00	\$6.00	\$0.00
20160502 16:11	EX - External Disbursement	30170849	182247	OCC	~20% OF INCOME FOR APRIL 2016 FOR CA # 13-11431-DJC~CLERK, US DISTRICT COURT	\$0.00	\$4.50	\$0.00	\$0.00
20160502 16:11	MA - Maintenance and Administration	30170851		OCC	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20160503 10:24	AT - Account Transfer	30175786		OCC	~A121687 SPENCER,BARRY PERSONAL	\$64.55	\$0.00	\$0.00	\$64.55
20160503 22:30	CN - Canteen	30178312		OCC	~Canteen Date : 20160503	\$0.00	\$15.40	\$0.00	\$0.00
20160504 07:03	IC - Transfer from Inmate to Club A/c	30180146		OCC	~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$7.50	\$0.00	\$0.00
20160504 20:02	PY - Payroll	30187980		OCC	~20160417 To 20160423~Corrected Payroll 20160403	\$1.50	\$0.00	\$0.00	\$0.00
20160504 20:02	PY - Payroll	30187981		OCC	~20160417 To 20160423~Corrected Payroll 20160403	\$0.00	\$0.00	\$1.50	\$0.00
20160504 20:02	PY - Payroll	30187982		OCC	~20160417 To 20160423	\$6.00	\$0.00	\$0.00	\$0.00
20160504 20:02	PY - Payroll	30187983		OCC	~20160417 To 20160423	\$0.00	\$0.00	\$6.00	\$0.00
20160506 10:55	IC - Transfer from Inmate to Club A/c	30203371		OCC	~POSTAGE - Z11~POSTAGE - Z11	\$0.00	\$7.35	\$0.00	\$0.00
20160510 16:51	IS - Interest	30224918		OCC		\$0.03	\$0.00	\$0.00	\$0.00
20160510 16:51	IS - Interest	30224919		OCC		\$0.00	\$0.00	\$0.02	\$0.00
20160510 22:30	CN - Canteen	30233474		OCC	~Canteen Date : 20160510	\$0.00	\$8.18	\$0.00	\$0.00
20160511 20:02	PY - Payroll	30244077		OCC	~20160424 To 20160430	\$6.00	\$0.00	\$0.00	\$0.00
20160511 20:02	PY - Payroll	30244078		OCC	~20160424 To 20160430	\$0.00	\$0.00	\$6.00	\$0.00
20160517 22:31	CN - Canteen	30271538		OCC	~Canteen Date : 20160517	\$0.00	\$5.41	\$0.00	\$0.00
20160518 20:02	PY - Payroll	30279542		OCC	~20160501 To 20160507	\$6.00	\$0.00	\$0.00	\$0.00
20160518 20:02	PY - Payroll	30279543		OCC	~20160501 To 20160507	\$0.00	\$0.00	\$6.00	\$0.00
						\$94.58	\$57.34	\$30.02	\$64.55

Balance as of ending date :

Personal
\$79.31

Savings
\$19.52

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
Inmate Transaction Report**

Date : 20160920 13:07

Commit# : A121687
Name : SPENCER, BARRY.,
Inst : MCI SHIRLEY (MEDIUM)
Block : C-2
Cell/Bed : 59 /59B

MCI SHIRLEY (MEDIUM)

Statement From 20160420

To 20160519

Page : 2

Current Balances :

Personal	Savings	Freeze	Loan	Restitution	Sentence
\$74.21	\$37.55	\$0.00	\$0.00	\$0.00	\$0.00

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
Inmate Transaction Report**

Date : 20160920 13:07

Commit# : A121687
Name : SPENCER, BARRY, .
Inst : MCI SHIRLEY (MEDIUM)
Block : C-2
Cell/Bed : 59 /59B

MCI SHIRLEY (MEDIUM)

Page : 1

Statement From 20160520

To 20160619

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$8,552.35	\$8,473.04	\$625.57	\$606.05
20160523 22:31	CN - Canteen	30301709		OCC	~Canteen Date : 20160523	\$0.00	\$7.90	\$0.00	\$0.00
20160524 22:31	CN - Canteen	30306592		OCC	~Canteen Date : 20160524	\$0.00	\$17.94	\$0.00	\$0.00
20160525 20:01	PY - Payroll	30314148		OCC	~20160508 To 20160514	\$6.00	\$0.00	\$0.00	\$0.00
20160525 20:01	PY - Payroll	30314149		OCC	~20160508 To 20160514	\$0.00	\$0.00	\$6.00	\$0.00
20160525 23:16	TI - Transfer from Institution	30319321		OCC		\$0.00	\$59.47	\$0.00	\$0.00
20160525 23:16	TI - Transfer from Institution	30319322		SHI		\$59.47	\$0.00	\$0.00	\$0.00
20160525 23:16	TI - Transfer from Institution	30319323		OCC		\$0.00	\$0.00	\$0.00	\$25.52
20160525 23:16	TI - Transfer from Institution	30319324		SHI		\$0.00	\$0.00	\$25.52	\$0.00
20160526 13:22	IC - Transfer from Inmate to Club A/c	30321294		SHI	~TELEPHONE-GLOBAL-TEL - Z179~GLOBAL-TEL - Z179	\$0.00	\$10.00	\$0.00	\$0.00
20160531 22:30	CN - Canteen	30334096		SHI	~Canteen Date :,20160531	\$0.00	\$48.16	\$0.00	\$0.00
20160601 20:02	PY - Payroll	30344104		OCC	~20160515 To 20160521	\$6.00	\$0.00	\$0.00	\$0.00
20160601 20:02	TI - Transfer from Institution	30344105		OCC	~Associate Receipt Number is 30344104	\$0.00	\$6.00	\$0.00	\$0.00
20160601 20:02	TI - Transfer from Institution	30344106		SHI	~Associate Receipt Number is 30344104	\$6.00	\$0.00	\$0.00	\$0.00
20160601 20:02	TI - Transfer from Institution	30344107		OCC	~Associate Receipt Number is 30344104	\$0.00	\$0.00	\$0.00	\$6.00
20160601 20:02	TI - Transfer from Institution	30344108		SHI	~Associate Receipt Number is 30344104	\$0.00	\$0.00	\$6.00	\$0.00
20160601 20:02	PY - Payroll	30344109		OCC	~20160515 To 20160521	\$0.00	\$0.00	\$6.00	\$0.00
20160608 07:41	IC - Transfer from Inmate to Club A/c	30378686		SHI	~PROPERTY SHIPPING~PROPERTY SHIPPING CHARGE - Z49~PROPERTY SHIPPING CHARGE - Z49	\$0.00	\$4.62	\$0.00	\$0.00
20160614 09:40	ML - Mail	30411870		SHI	~MG 10726098809 ANN	\$100.00	\$0.00	\$0.00	\$0.00
20160614 09:40	MA - Maintenance and Administration	30411872		SHI	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20160616 13:14	IC - Transfer from Inmate to Club A/c	30431296		SHI	~TELEPHONE-GLOBAL-TEL - Z179~GLOBAL-TEL - Z179	\$0.00	\$10.00	\$0.00	\$0.00
20160616 16:53	IS - Interest	30439149		SHI		\$0.03	\$0.00	\$0.00	\$0.00
20160616 16:53	IS - Interest	30439150		SHI		\$0.00	\$0.00	\$0.00	\$0.00
20160617 11:02	ML - Mail	30452508	183174	STH	~CANTEEN REFUND 5/23/16	\$7.90	\$0.00	\$0.00	\$0.00
20160617 11:02	TI - Transfer from Institution	30452509		STH	~Associate Receipt Number is 30452508	\$0.00	\$7.90	\$0.00	\$0.00
20160617 11:02	TI - Transfer from Institution	30452510		SHI	~Associate Receipt Number is 30452508	\$7.90	\$0.00	\$0.00	\$0.00
20160617 11:02	ML - Mail	30452511	183175	STH	~CANTEEN REFUND 5/13/16 @ SHIRLEY	\$17.94	\$0.00	\$0.00	\$0.00
20160617 11:02	TI - Transfer from Institution	30452512		STH	~Associate Receipt Number is 30452511	\$0.00	\$17.94	\$0.00	\$0.00
20160617 11:02	TI - Transfer from Institution	30452513		SHI	~Associate Receipt Number is 30452511	\$17.94	\$0.00	\$0.00	\$0.00
						\$229.18	\$190.93	\$43.52	\$31.52

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20160920 13:08

Commit# : A121687
 Name : SPENCER, BARRY, ,
 Inst : MCI SHIRLEY (MEDIUM)
 Block : C-2
 Cell/Bed : 59 /59B

MCI SHIRLEY (MEDIUM)

Page : 1

Statement From 20160620

To 20160719

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$8,781.53	\$8,663.97	\$669.09	\$637.57
20160621 22:30	CN - Canteen	30463972		SHI	~Canteen Date : 20160621	\$0.00	\$10.71	\$0.00	\$0.00
20160627 22:30	CN - Canteen	30493046		SHI	~Canteen Date : 20160627	\$0.00	\$11.15	\$0.00	\$0.00
20160629 09:23	IC - Transfer from Inmate to Club A/c	30501723		SHI	~PROPERTY SHIPPING~PROPERTY SHIPPING CHARGE - Z49~PROPERTY SHIPPING CHARGE - Z49	\$0.00	\$1.57	\$0.00	\$0.00
20160629 09:24	IC - Transfer from Inmate to Club A/c	30501731		SHI	~PROPERTY SHIPPING~PROPERTY SHIPPING CHARGE - Z49~PROPERTY SHIPPING CHARGE - Z49	\$0.00	\$1.57	\$0.00	\$0.00
20160630 13:17	IC - Transfer from Inmate to Club A/c	30515530		SHI	~TELEPHONE~GLOBAL~TEL - Z179~GLOBAL~TEL - Z179	\$0.00	\$5.00	\$0.00	\$0.00
20160701 08:25	EX - External Disbursement	30517981	99278	SHI	~COURT ORDER FILING FEE FOR JUNE 2016 #15-10022-ABD~US DISTRICT COURT #15-10022-ABD	\$0.00	\$22.40	\$0.00	\$0.00
20160701 08:25	MA - Maintenance and Administration	30517983		SHI	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20160701 11:12	IC - Transfer from Inmate to Club A/c	30519601		SHI	~MEDICAL CO-PAYMENT 6-22-16~MEDICAL CO-PAYMENT - Z4~MEDICAL CO-PAYMENT - Z4	\$0.00	\$3.00	\$0.00	\$0.00
20160705 22:30	CN - Canteen	30534440		SHI	~Canteen Date : 20160705	\$0.00	\$14.67	\$0.00	\$0.00
20160711 16:58	IS - Interest	30575970		SHI		\$0.02	\$0.00	\$0.00	\$0.00
20160711 16:58	IS - Interest	30575971		SHI		\$0.00	\$0.00	\$0.01	\$0.00
20160712 22:31	CN - Canteen	30591365		SHI	~Canteen Date : 20160712	\$0.00	\$30.36	\$0.00	\$0.00
20160715 14:13	IC - Transfer from Inmate to Club A/c	30613518		SHI	~MEDICAL CO-PAYMENT 7-7-16~MEDICAL CO-PAYMENT - Z4~MEDICAL CO-PAYMENT - Z4	\$0.00	\$3.00	\$0.00	\$0.00
20160719 22:31	CN - Canteen	30627044		SHI	~Canteen Date : 20160719	\$0.00	\$12.92	\$0.00	\$0.00
						\$0.02	\$117.35	\$0.01	\$0.00

Balance as of ending date : Personal \$0.23 Savings \$31.53

Current Balances :

Personal	Savings	Freeze	Loan	Restitution	Sentence
\$74.21	\$37.55	\$0.00	\$0.00	\$0.00	\$0.00

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20160920 13:08

Page : 1

Commit# : A121687
 Name : SPENCER, BARRY, ,
 Inst : MCI SHIRLEY (MEDIUM)
 Block : C-2
 Cell/Bed : 59 /59B

MCI SHIRLEY (MEDIUM)

Statement From 20160720

To 20160819

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$8,781.55	\$8,781.32	\$669.10	\$637.57
20160726 09:27	ML - Mail	30655230		SHI	~MG 20689378535 ~SPENCER, ANN, ,	\$100.00	\$0.00	\$0.00	\$0.00
20160726 09:51	CI - Transfer from Club to Inmate A/c	30655427		SHI	~CANTEEN REFUND DUE FROM 7-19-16~A121687 SPENCER,BARRY PERSONAL~KCN WASH ACCOUNT - Z5	\$1.38	\$0.00	\$0.00	\$0.00
20160726 22:30	CN - Canteen	30659240		SHI	~Canteen Date : 20160726	\$0.00	\$1.54	\$0.00	\$0.00
20160728 09:43	ML - Mail	30672651		SHI	~CHECK# 19043 COMMONWEALTH OF MASSACHUSETTS DORCHESTER DISTRICT COURT CLERK MAGISTRATE'S OFFICE	\$100.00	\$0.00	\$0.00	\$0.00
20160729 10:58	CI - Transfer from Club to Inmate A/c	30679256		SHI	~REFUND FOR MEDICAL CO-PAYMENTS CHARGED FOR 6/22 AND 7/7~A121687 SPENCER,BARRY PERSONAL~MEDICAL CO-PAYMENT - Z4	\$6.00	\$0.00	\$0.00	\$0.00
20160801 07:47	IC - Transfer from Inmate to Club A/c	30681681		SHI	~PROPERTY SHIPPINIG~PROPERTY SHIPPING CHARGE - Z49~PROPERTY SHIPPING CHARGE - Z49	\$0.00	\$1.09	\$0.00	\$0.00
20160801 12:42	EX - External Disbursement	30686927	99707	SHI	~COURT ORDER FILING FEE FOR JULY 2016 #12-11742-WGY~US DISTRICT COURT #12-11742-WGY	\$0.00	\$40.00	\$0.00	\$0.00
20160801 12:42	MA - Maintenance and Administration	30686929		SHI	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20160801 14:30	IC - Transfer from Inmate to Club A/c	30688194		SHI	~TELEPHONE~GLOBAL-TEL - Z179~GLOBAL-TEL - Z179	\$0.00	\$10.00	\$0.00	\$0.00
20160802 22:30	CN - Canteen	30695205		SHI	~Canteen Date : 20160802	\$0.00	\$38.56	\$0.00	\$0.00
20160809 22:32	CN - Canteen	30734639		SHI	~Canteen Date : 20160809	\$0.00	\$16.76	\$0.00	\$0.00
20160812 16:26	IS - Interest	30763836		SHI		\$0.02	\$0.00	\$0.00	\$0.00
20160812 16:26	IS - Interest	30763837		SHI		\$0.00	\$0.00	\$0.01	\$0.00
20160816 22:30	CN - Canteen	30784587		SHI	~Canteen Date : 20160816	\$0.00	\$28.20	\$0.00	\$0.00
20160817 13:47	IC - Transfer from Inmate to Club A/c	30787799		SHI	~TELEPHONE~GLOBAL-TEL - Z179~GLOBAL-TEL - Z179	\$0.00	\$10.00	\$0.00	\$0.00
						\$207.40	\$147.15	\$0.01	\$0.00

Balance as of ending date :

Personal	Savings
\$60.48	\$31.54

Current Balances :

Personal	Savings	Freeze	Loan	Restitution	Sentence
\$74.21	\$37.55	\$0.00	\$0.00	\$0.00	\$0.00

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
Inmate Transaction Report**

Date : 20160920 13:08

Page : 1

Commit# : A121687
Name : SPENCER, BARRY,.
Inst : MCI SHIRLEY (MEDIUM)
Block : C-2
Cell/Bed : 59 /59B

MCI SHIRLEY (MEDIUM)

Statement From 20160820

To 20160919

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$8,988.95	\$8,928.47	\$669.11	\$637.57
20160823 22:31	CN - Canteen	30819423		SHI	~Canteen Date : 20160823	\$0.00	\$14.14	\$0.00	\$0.00
20160824 12:12	VC - Voided Check	30821233	99707	SHI	~COURT ORDER FILING FEE FOR JULY 2016 #12-11742-WGY~US DISTRICT COURT #12-11742-WGY	\$40.00	\$0.00	\$0.00	\$0.00
20160824 12:13	EX - External Disbursement	30821238	99997	SHI	~COURT ORDER FILING FEE FOR JULY 2016 #15-10022-ABD. ORIGINAL CHECK #99707 WAS VOIDED DUE TO WRONG COURT NUMBER PLACED ON CHECK~US DISTRICT COURT #15-10022-ABD	\$0.00	\$40.00	\$0.00	\$0.00
20160824 13:03	IC - Transfer from Inmate to Club A/c	30821320		SHI	~#5580 MISWAK/TOOTHSTICK #1731 SOMALI ROSE-FAITH GROUP WASH ACCOUNT - Z170-FAITH GROUP WASH ACCOUNT - Z170	\$0.00	\$5.99	\$0.00	\$0.00
20160829 22:32	CN - Canteen	30849023		SHI	~Canteen Date : 20160829	\$0.00	\$16.95	\$0.00	\$0.00
20160830 09:54	IC - Transfer from Inmate to Club A/c	30850107		SHI	~PROPERTY SHIPPING~PROPERTY SHIPPING CHARGE - Z49~PROPERTY SHIPPING CHARGE - Z49	\$0.00	\$3.46	\$0.00	\$0.00
20160830 09:55	IC - Transfer from Inmate to Club A/c	30850124		SHI	~PROPERTY SHIPPING~PROPERTY SHIPPING CHARGE - Z49~PROPERTY SHIPPING CHARGE - Z49	\$0.00	\$6.80	\$0.00	\$0.00
20160830 10:08	IC - Transfer from Inmate to Club A/c	30850213		SHI	~PROPERTY SHIPPING~PROPERTY SHIPPING CHARGE - Z49~PROPERTY SHIPPING CHARGE - Z49	\$0.00	\$3.46	\$0.00	\$0.00
20160830 10:08	IC - Transfer from Inmate to Club A/c	30850216		SHI	~PROPERTY SHIPPING~PROPERTY SHIPPING CHARGE - Z49~PROPERTY SHIPPING CHARGE - Z49	\$0.00	\$3.46	\$0.00	\$0.00
20160830 10:13	IC - Transfer from Inmate to Club A/c	30850251		SHI	~PROPERTY SHIPPING~PROPERTY SHIPPING CHARGE - Z49~PROPERTY SHIPPING CHARGE - Z49	\$0.00	\$0.89	\$0.00	\$0.00
20160901 10:17	CI - Transfer from Club to Inmate A/c	30868745		SHI	~CANTEEN REFUND DUE FROM 8-16-16~A121687 SPENCER,BARRY PERSONAL~KCN WASH ACCOUNT - Z5	\$2.09	\$0.00	\$0.00	\$0.00
20160902 09:19	ML - Mail	30872636		SHI	~MG 20689379355 UNREADABLE INMATE# MUST BE WRITTEN ON MONEY ORDER	\$100.00	\$0.00	\$0.00	\$0.00
20160902 09:19	MA - Maintenance and Administration	30872638		SHI	~Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20160906 22:31	CN - Canteen	30886629		SHI	~Canteen Date : 20160906	\$0.00	\$15.88	\$0.00	\$0.00
20160907 13:46	IC - Transfer from Inmate to Club A/c	30892207		SHI	~TELEPHONE~GLOBAL-TEL - Z179~GLOBAL-TEL - Z179	\$0.00	\$10.00	\$0.00	\$0.00
20160909 13:48	CI - Transfer from Club to Inmate A/c	30912778		SHI	~CANTEEN REFUND DUE FROM 8-29-16~A121687 SPENCER,BARRY PERSONAL~KCN WASH ACCOUNT - Z5	\$4.70	\$0.00	\$0.00	\$0.00
20160913 17:00	IS - Interest	30932933		SHI		\$0.03	\$0.00	\$0.00	\$0.00
20160913 17:00	IS - Interest	30932934		SHI		\$0.00	\$0.00	\$0.01	\$0.00
20160913 22:32	CN - Canteen	30944255		SHI	~Canteen Date : 20160913	\$0.00	\$17.06	\$0.00	\$0.00
20160914 20:02	PY - Payroll	30952544		SHI	~20160828 To 20160903	\$6.00	\$0.00	\$0.00	\$0.00
20160914 20:02	PY - Payroll	30952545		SHI	~20160828 To 20160903	\$0.00	\$0.00	\$6.00	\$0.00

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
Inmate Transaction Report**

Date : 20160920 13:08

Page : 2

Commit# : A121687

MCI SHIRLEY (MEDIUM)

Name : SPENCER, BARRY, ,

Statement From 20160820

Inst : MCI SHIRLEY (MEDIUM)

To 20160919

Block : C-2

Cell/Bed : 59 /59B

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Income	Personal Expense	Income	Savings Expense
						\$152.82	\$139.09	\$6.01	\$0.00

	Personal	Savings
Balance as of ending date :	\$74.21	\$37.55

Current Balances :

Personal	Savings	Freeze	Loan	Restitution	Sentence
\$74.21	\$37.55	\$0.00	\$0.00	\$0.00	\$0.00

10.11
W.D. Free Sent 10/11/16
MS
DS
(504)
10/11

COMMONWEALTH OF MASSACHUSETTS
Suffolk County Superior Court

NOTICE

Barry Spencer II

No. 1684cv2843

VS

Annie Dookhan et. al.,

MOTION TO APPOINT DESIGNEE FOR DEFENDANTS

Now comes the plaintiff and moves this Honorable Court to appoint as Agent, Designee or Special appointee for service the Public Employer for the Defendants or order the Public Employer to appoint a designee for service, there are two reasons (1) all ex-employees of the William Hinton Laboratory no longer are employed there and the Laboratory is closed however, Secretary John Polanowicz is the public Employer and their legal Department still coordinates the ex-employees criminal court appearances, these employee are indemnified by the State and would need his approval for representation (2) police officers in this case are no longer at the same station and their present assignment is unknown, the State is indemnified by the City of Boston and will need the approval of Commissioner, Public Employer or the Mayor.

WHEREFORE, the plaintiff request that service made upon the public employer is the same as on the individual defendants, if not, he request that when the Public Employer receives its service it provides a Designee for the Plaintiff to serve on behalf of the defendants under their departments, or was under their departments at the time of the incident in this matter.

10/7/16 Plaintiff shall serve Secretary John Polanowicz with a copy of this motion and order and Mr. Polanowicz shall serve and file his response ~~with~~ by or before 30 days from his receipt of this motion.

The Journal TEL

SUFFOLK SUPERIOR COURT
CLERK
2016 OCT 11 10:33 AM
RECEIVED
MASSACHUSETTS
SUFFOLK COUNTY
CLERK

Respectfully submitted,

/s/Barry Spencer II
Barry Spencer II
P.O. Box 1218
Shirley, MA 01464

Dated: October 1, 2016

I HEREBY ATTEST AND CERTIFY ON

Oct. 24, 2016, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY:

Margaret M. Sellen
Asst. Clerk

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
CIVIL ACTION NO. 16-2843

BARRY SPENCER,
Plaintiff,

v.

ANNIE DOOKHAN, DANIELLA FRASCA, MARTIN
WALSH, JOHN POLANOWICZ/JUDYANN BIGBY,
JOHN AUERBACH, LINDA HAN, CHARLES SALEMI,
ELIZABETH O'BRIEN, PETER PIRO, DONALD
KEENAN, WILLIAM DWAN, PETER CHU, BRIAN
MAHONEY, TIMOTHY LYNCH, JOHN RYLE, DANIEL
CONLEY and SUFFOLK COUNTY DISTRICT
ATTORNEY'S OFFICE, also WILLIAM EVANS,

Defendants.

U.S. Dist #
16-cv-12076-ADB

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2016 OCT 17 P 3 47
MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that on October 17, 2016, a Notice of Removal was filed in the United State District Court for the District of Massachusetts. Attached hereto as Exhibit A is a true and correct copy of the Notice of Removal.

Dated: October 17, 2016

Respectfully submitted,

DEFENDANT MARTIN WALSH

By his attorneys:

Eugene L. O'Flaherty
Corporation Counsel


I HEREBY ATTEST AND CERTIFY ON

**Oct. 24, 2016, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.**

**MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT**

BY:


Asst. Clerk




Nieve Anjomi (BBO# 651212)
Assistant Corporation Counsel
City of Boston Law Department
City Hall, Room 615
Boston, MA 02201
(617) 635-4098
Nieve.Anjomi@boston.gov

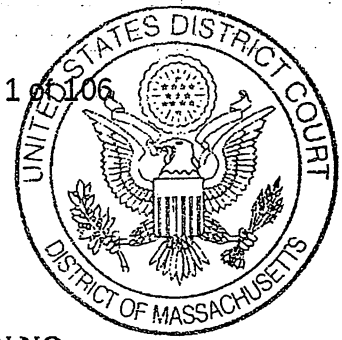
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the following party by mail at the following address:

Barry Spencer II
PO Box 1218
Shirley, MA 01464

10/17/16
Date


Nieve Anjomi



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. _____

BARRY SPENCER,
Plaintiff,

v.

ANNIE DOOKHAN, DANIELLA FRASCA, MARTIN
WALSH, JOHN POLANOWICZ/JUDYANN BIGBY,
JOHN AUERBACH, LINDA HAN, CHARLES SALEMI,
ELIZABETH O'BRIEN, PETER PIRO, DONALD
KEENAN, WILLIAM DWAN, PETER CHU, BRIAN
MAHONEY, TIMOTHY LYNCH, JOHN RYLE, DANIEL
CONLEY and SUFFOLK COUNTY DISTRICT
ATTORNEY'S OFFICE, also WILLIAM EVANS,

Defendants.

I hereby certify on 10/18/16 that the
foregoing document is true and correct copy of the
☐ electronic docket in the captioned case
☒ electronically filed original filed on 10/18/16
☐ original filed in my office on _____

Robert M. Farrell
Clerk, U.S. District Court
District of Massachusetts

By: [Signature]
Deputy Clerk

NOTICE OF REMOVAL
(PURSUANT TO 28 U.S.C. § 1441)

The Defendant, Martin Walsh, through his undersigned counsel, hereby gives notice of the removal of this action pursuant to 28 U.S.C. §§ 1441, 1446 and Local Rule 81 of the United States District Court for the District of Massachusetts from the Suffolk County Superior Court, where this action is currently pending. In Suffolk County Superior Court, the case is docketed as Civil Action No. 1684CV02843 ("State Court Action") and has the same caption as above.

In support of this Notice of Removal, the Defendant states:

1. On September 13, 2016, the Plaintiff commenced the State Court Action.

2. On October 13, 2016, the Boston City Clerk's Office received a copy of Plaintiff Barry Spencer's Complaint.¹ (See Complaint - attached hereto as Exhibit 1.) Along with his Complaint, Plaintiff served the following: (i) Civil Action Coversheet (Exhibit 2), (ii) Affidavit of Indigency (Exhibit 3); (iii) Notice of Waiver of Court Costs and Request for Payment to be Withdrawn from Account (Exhibit 4); (iv) Motion for Service Process by Suffolk County Sheriff Department Civil Process Division (Exhibit 5); (v) Motion to Appoint Designee for Defendants (Exhibit 6); (vi) Civil Tracking Order (Exhibit 7); (vii) Clerk's Notice (Exhibit 8); and (viii) Clerk's Notice (Exhibit 9).

3. Plaintiff's Complaint alleges claims grounded in the Constitution and the laws of the United States. See 28 U.S.C. § 1331. Specifically, the Plaintiff alleges "violation of the Plaintiff's constitutional rights brought pursuant to 42 U.S.C. § 1983." (See Exhibit 1, at 1.) Plaintiff's 122 paragraph Complaint contains ten causes of action; Counts 1 – 9 are for alleged violations of 42 U.S.C. § 1983 and Count 10 alleges a violation of M.G.L. c. 12, § 11I.

4. Plaintiff's claims for relief arise under the Constitution and laws of the United States and therefore are subject to removal under 28 U.S.C. §§ 1331 and 1441(a).

5. This Court has jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. § 1331, and to the extent Plaintiff's Complaint may be read to include a state-law claim, the entire action may be removed pursuant to 28 U.S.C. § 1367(a).

6. Removal is appropriate to the district court of the United States for the district and division embracing the place where such action is pending. 28 U.S.C. § 1441(a). Venue is proper in this District. See 28 U.S.C. § 1441(a); 28 U.S.C. § 101.

¹ Be removing the State Court Action, the Defendant is not waiving any defenses he has to the Complaint, including the adequacy of service.

7. Defendant's Notice of Removal is timely as (30) days have not elapsed since Defendant's receipt of Plaintiff's Complaint. See 28 U.S.C. § 1446(b)(1); Novak v. Bank of New York Mellon Trust Co., 783 F.3d 910, 911-14 (1st Cir. 2015).

8. The Superior Court docket does not reflect that the Plaintiff has caused any of the other Defendants to be served. (See Exhibit 10.) See generally 28 U.S.C. § 1446(b)(2)(A).

9. Attached hereto as Exhibit 11 is a true and correct copy of the Notice of Removal that the Defendant shall file in the State Court Action and shall serve a copy thereof on Plaintiff pursuant to 28 U.S.C. 1446(d).

Dated: October 17, 2016

Respectfully submitted,

DEFENDANT MARTIN WALSH

By his attorneys:

Eugene L. O'Flaherty
Corporation Counsel




Nieve Anjomi (BBO# 651212)
Assistant Corporation Counsel
City of Boston Law Department
City Hall, Room 615
Boston, MA 02201
(617) 635-4098
Nieve.Anjomi@boston.gov

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the following party by mail at the following address:

Barry Spencer II
PO Box 1218
Shirley, MA 01464

10/17/16
Date


Nieve Anjomi

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Barry Spencer

DEFENDANTS

Annie Dookhan et al.

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC s 1983

Brief description of cause:
Alleged Civil Rights Violations

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/17/2016

FOR OFFICE USE ONLY

Counsel for Defendant Walsh

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Spencer, Barry v. Dookhan, Annie et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

☐

I. 410, 441, 470, 535, 830*, 891, 893, 895, R.23, REGARDLESS OF NATURE OF SUIT.

☒

II. 110, 130, 140, 160, 190, 196, 230, 240, 290, 320, 362, 370, 371, 380, 430, 440, 442, 443, 445, 446, 448, 710, 720, 740, 790, 820*, 840*, 850, 870, 871.

☐

III. 120, 150, 151, 152, 153, 195, 210, 220, 245, 310, 315, 330, 340, 345, 350, 355, 360, 365, 367, 368, 375, 376, 385, 400, 422, 423, 450, 460, 462, 463, 465, 480, 490, 510, 530, 540, 550, 555, 625, 690, 751, 791, 861-865, 890, 896, 899, 950.

*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☒NO ☐

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐NO ☒

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☒Central Division ☐Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐Central Division ☐Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Nieve AnjomiADDRESS 1 City Hall Plaza, Boston, MA 02201TELEPHONE NO. 617-635-4098

United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:16-cv-12076-ADB

I hereby certify on 10/18/16 that the
 foregoing document is true and correct copy of the
☒ electronic docket in the captioned case
☐ electronically filed original filed on _____
☐ original filed in my office on _____

Robert M. Farrell
 U.S. District Court
 District of Massachusetts

By: *Yvonne Trunkin*
 Deputy Clerk

Date Filed: 10/17/2016

Jury Demand: Both

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Spencer, II v. Dookhan et al
 Assigned to: Judge Allison D. Burroughs
 Case in other court: Suffolk Superior Court, 1684CV02843
 Cause: 28:1441 Petition for Removal- Civil Rights Act

Plaintiff

Barry Spencer, II

represented by **Barry Spencer, II**
 PO Box 1218
 Shirley, MA 01464
 PRO SE



V.

Defendant

Annie Dookhan

Defendant

Daniella Frasca

Defendant

Martin J. Walsh

represented by **Nieve Anjomi**
 City Of Boston Law Department
 One City Hall Plaza
 Room 615
 Boston, MA 02201
 617-635-4098
 Fax: 617-635-3199
 Email: nieve.anjomi@boston.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Polanowicz

Defendant

Judyann Bigby

Defendant

John Auerbach

Defendant

Linda Han

Defendant

Charles Salemi

Defendant

elizabeth O'brien

Defendant

Peter Piro

Defendant

Donald Keenan

Defendant

William Dwan

Defendant

Peter Chu

Defendant

Brian Mahoney

Defendant

Timothy Lynch

Defendant

John Ryle

Defendant

Daniel Conley

Defendant

**Suffolk County District Attorney's
Office**

Defendant

William Evans

Date Filed	#	Docket Text
10/17/2016	<u>1</u>	NOTICE OF REMOVAL by Martin J. Walsh (Fee Status: Local Government) (Attachments: # <u>1</u> Civil Cover Sheet)(Anjomi, Nieve) (Additional attachment(s) added on 10/18/2016: # <u>2</u> Category Form) (Franklin, Yvonne). (Entered: 10/17/2016)
10/18/2016	2	ELECTRONIC NOTICE of Case Assignment. Judge Allison D. Burroughs assigned to case. If the trial Judge issues an Order of Reference of any matter in

		this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Marianne B. Bowler. (Abaid, Kimberly) (Entered: 10/18/2016)
10/18/2016	3	Certified Copy of Notice of Removal Provided to Defense Counsel by mail. (Franklin, Yvonne) (Entered: 10/18/2016)